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INTELLECTUAL ORIGINS  
OF  
***AMERICAN RADICALISM***

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**STAUGHTON LYND**

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**PANTHEON BOOKS**

*A Division of Random House / New York*

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First Printing

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Library of Congress Catalog Card Number: 68-12934

Manufactured in the United States of America  
by The Haddon Craftsmen, Inc., Scranton, Pa.

Designed by Carl Weiss

## **PREFACE**

No one could be more aware than I that the following pages present an exploratory sketch rather than a definitive analysis. But as C. Wright Mills once said in a similar connection, I had a choice between conclusively demonstrating something trivial (such as who influenced whom in the genesis of the concept that the earth belongs to the living generation) or being provocative about a matter of importance: whether, and if so in what sense, one can speak of an American radicalism before the Civil War; and, naturally, I chose the latter.

Any critic of the American present must have profoundly mixed feelings about our country's past. On the one hand, he will feel shame and distrust toward Founding Fathers who tolerated slavery, exterminated Indians, and blandly assumed that a good society must be based on private property. On the other hand, he is likely to find himself articulating his own demands in the Revolutionary language of inalienable rights, a natural higher law, and the right to revolution.



The tradition I have attempted to describe made the following affirmations: that the proper foundation for government is a universal law of right and wrong self-evident to the intuitive common sense of every man; that freedom is a power of personal self-direction which no man can delegate to another; that the purpose of society is not the protection of property but fulfillment of the needs of living human beings; that good citizens have the right and duty, not only to overthrow incurably oppressive governments, but before that point is reached to break particular oppressive laws; and that we owe our ultimate allegiance, not to this or that nation, but to the whole family of man.

This tradition is both English and American. One of my principal conclusions is that its theoretical axioms were first clearly articulated by a group of English radicals in the quarter-century preceding the Declaration of Independence. The reader may find the first two chapters, dealing with these axioms, hard going. I can only plead that the Declaration itself emerged in part from the polemics of Price and Priestley, Sharp, Cartwright, and Paine; and further, that as radical abolitionists used the Declaration to justify nonvoting, tax refusal, and other extreme tactics, they repeatedly drew directly on the same English theorists. Radical American "praxis" (the word Marx used to describe practical-critical activity) derived from radical English theory.

This Anglo-American tradition was linked, in turn, both to Rousseau, who influenced America by way of England, and to Marx, whose concepts of alienation and fetishism can be paralleled in the pages of *Walden*. David Herreshoff writes in his *American Disciples of Marx* that "the socialist and individualist movements of the nineteenth century had common intellectual origins." I agree; and this book seeks to explore certain intellectual themes which Marxism and native American radicalism share.

Hopefully it will also be clear that there are a number of things worth doing which the present study does *not* attempt. Ideas do not exist *in vacuo*; and it goes without saying that impinging social pressures in England were connected with

Price's clarification of the theory of ethics and Priestley's of political philosophy. Those connections have begun to be assessed by scholars such as George Rudé and E. P. Thompson. But they did not seem essential to the argument here, for which it is enough to say that, by whatever processes, a certain complex of ideas appeared in England which became available to Americans as an intellectual resource.

Nor have I felt obligated to demonstrate in detail the impact of the ideas of English radicals on their American readers. Every student of the ideas of the American Revolution has recognized that impact (see pages 25–26, below). The phenomenon of Thomas Paine should be demonstration enough that the transmission of English radical ideas to the American resistance movement is no mere scholar's invention.

But let me put the baldest face on my intention. In one sense the concern of the following chapters is ahistorical. I am less interested in eighteenth-century radicalism than in twentieth-century radicalism. Accordingly, the process of historical causation—how certain ideas came into being, what influence they subsequently had—matters less to me than the fact that those ideas existed. I want to show, simply, that we are not the first to have found an inherited deterministic radicalism inhibiting, nor is ours the first attempt to make an opportunity of that dilemma. The characteristic concepts of the existential radicalism of today have a long and honorable history. Acquaintance with that history may help in sharpening intellectual tools for the work of tomorrow.

As to acknowledgments. Kenneth Rosenthal not only checked and rechecked footnotes and quotations, but did significant independent research on the themes of the book. Jim Bond performed similar services at a later stage. I am deeply grateful.

S. L.

*For by naturall birth, all men are equally and alike borne to like propriety, liberty and freedome, and as we are delivered of God by the hand of nature into this world, every one with a naturall, innate, freedome and propriety (as it were writ in the table of every mans heart, never to be obliterated) even so are we to live, every one equally and alike to enjoy his Birthright and priviledge; even all whereof God by nature hath made him free.*

RICHARD OVERTON, *An Arrow Against All Tyrants and Tyranny, Shot from the Prison of New-Gate into the Prerogative Bowels of the Arbitrary House of Lords* (London, 1646)

*There is a higher law than the law of government. That's the law of conscience.*

STOKELY CARMICHAEL, UPI dispatch  
October 28, 1966

*Political freedom . . . is an elemental condition of the individual will.*

CARL OGLESBY, *Containment and Change*  
(New York, 1967)

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## INTRODUCTION:

# **THE RIGHT OF REVOLUTION**

Americans have made two revolutions, in 1776–1783 and in 1861–1865. They were “bourgeois” revolutions: the first preserved inherited property as it destroyed inherited government, the second enhanced property in factories and railroads as it abolished property in man.<sup>1</sup> Nevertheless, it is untrue that the American Revolution and the Civil War had no “ideology . . . capable of being made universal.”<sup>2</sup> To energize and explain these upheavals, the men who made them created a revolutionary intellectual tradition. They addressed to the opinion of mankind the dramatic proposition that all men are created equal with natural liberties which, if taken away at all, cannot be justly taken without consent. As Thomas Paine observed, the American Revolution was unique precisely in being “a revolution in the principles and practise of governments” and not “merely a separation from England.”<sup>3</sup> That is why those principles have been echoed by revolutionaries the world over from that day to this (most recently by the Vietnamese, whose

The tradition I have attempted to describe made the following affirmations: that the proper foundation for government is a universal law of right and wrong self-evident to the intuitive common sense of every man; that freedom is a power of personal self-direction which no man can delegate to another; that the purpose of society is not the protection of property but fulfillment of the needs of living human beings; that good citizens have the right and duty, not only to overthrow incurably oppressive governments, but before that point is reached to break particular oppressive laws; and that we owe our ultimate allegiance, not to this or that nation, but to the whole family of man.

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Hopefully it will also be clear that there are a number of things worth doing which the present study does *not* attempt. Ideas do not exist *in vacuo*; and it goes without saying that impinging social pressures in England were connected with

drafted in the direction of states' rights and the defense of Southern sectionalism. But in doing so Jefferson continued to invoke the Declaration of Independence, as did the very language of the South Carolina Declaration of the Causes of Secession in 1860. Northern radicalism also traced its lineage to Independence Hall. On July 4, 1826, the day Jefferson and John Adams died, Robert Owen delivered a declaration of "mental independence" comprising secularism, equality of the sexes, and common ownership. These ideas inspired one current of Jacksonian dissent. But William Lloyd Garrison, anything but secular and intensely anti-Jacksonian, also adopted the rhetoric of the Declaration in drafting the manifestos of the American Anti-Slavery Society in 1833 and the New England Non-Resistance Society in 1838. Lincoln referred to the Declaration of Independence as the "standard maxim for a free society" and compared its role as a spiritual regulator to that of the Biblical injunction, "Be ye perfect."<sup>5</sup> The Radical Republicans, Charles Sumner for example, maintained that the Declaration was part of the United States Constitution, or if it was not should at once be made so.

After the Civil War the glittering generalities of the Declaration retained their potency, and American radicalism continued to present itself as their fulfillment. "The reform I have proposed," wrote Henry George in *Progress and Poverty*,

. . . is . . . but the carrying out in letter and spirit of the truth enunciated in the Declaration of Independence. . . . They who look upon Liberty as having accomplished her mission, when she has abolished hereditary privileges and given men the ballot, . . . have not seen her real grandeur. . . . We cannot go on prating of the inalienable rights of man and then denying the inalienable right to the bounty of the Creator.<sup>6</sup>

Edward Bellamy, in *Looking Backward*, had Doctor Leete explain the new society to Julian West in similar terms. "In a word," he said, "the people of the United States concluded to assume the conduct of their own business, just as one hundred odd years before they had assumed the conduct of their own government, organizing now for industrial purposes on precisely the same grounds that they had then organized for

political purposes.”<sup>7</sup> Henry Demarest Lloyd invoked the analogy of the American Revolution in *Wealth Against Commonwealth*, declaring:

Myriads of experiments to get the substance of liberty out of the forms of tyranny, to believe in princes, to trust good men to do good as kings, have taught the inexorable truth that, in the economy of nature, form and substance must move together. . . . Identical is the lesson we are learning with regard to industrial power and property. . . .

“Liberty recast the old forms of government into the Republic,” Lloyd concluded, “and it must remould our institutions of wealth into the Commonwealth.”<sup>8</sup> For Eugene Debs, Patrick Henry was “one of my first heroes; and my passion for his eloquent and burning defiance of King George inspired the first speech I ever attempted in public.” Among the French and American revolutionaries who inspired Debs, Tom Paine “towered above them all.”<sup>9</sup>

During the New Deal and World War II, it was vogueish among radicals to identify their various causes with the alleged tradition of “Jefferson, Jackson, and Lincoln.” The New Left of the 1960s, despite its oft-described sense of alienation and its quarrel with the intellectual habits of the previous generation, also uses the Revolution as a touchstone. Thus in November 1965 Carl Oglesby, then president of Students for a Democratic Society, asked an antiwar demonstration gathered at the Washington Monument to imagine what Thomas Jefferson or Thomas Paine would say to President Johnson and McGeorge Bundy about the war in Vietnam. And in August 1966, when the House Un-American Activities Committee subpoenaed antiwar activists, the head of the Free University of New York issued a statement invoking the Green Mountain Boys, and the chairman of the Berkeley Vietnam Day Committee appeared in the hearing chamber in the uniform of an officer of George Washington’s army.

American Revolutionary rhetoric has been as popular with uneducated poor men as with articulate spokesmen, with Marxists as with non-Marxists, with Negroes as with whites. All, in the words of rebellious New York tenants in the 1840s,



have sought to "take up the ball of the Revolution where our fathers stopped it and roll it to the final consummation of freedom and independence of the Masses." Thus American Marxists, except for a short period under the influence of Friedrich Sorge, have "viewed labor radicalism as a movement to redeem the promise of the American Revolution." For instance, Daniel De Leon's rigidly doctrinaire Socialist Labor Party asserted in its 1889 program that "the inalienable right of all men to life, liberty and the pursuit of happiness" was its objective, too.<sup>10</sup> The same generalization holds for the history of black radicalism in America. The first major slave insurrection following the Revolution planned to march under a flag reading "Death or Liberty." One of the most celebrated fugitive slaves of the nineteenth century declared he was inspired by "that law which God wrote on the table of my heart, inspiring the love of freedom, and impelling me to seek it at every hazard." Both the NAACP and SNCC derive from W. E. B. Du Bois's seminal essay "Of Mr. Booker T. Washington and Others" that ended with an appeal to "those great words which the sons of the Fathers would fain forget": the preamble to the Declaration of Independence. The most militant Afro-Americans in the 1960s, similarly, still refer to a "higher law than the law of government" and to the conflict between "property rights" and "human rights," as did earlier American revolutionaries, white and black.<sup>11</sup>

For almost two hundred years all kinds of American radicals have traced their intellectual origins to the Declaration of Independence and to the Revolution it justified. They have stubbornly refused to surrender the memory of the American Revolution to liberalism or reaction, insisting that only radicalism could make real the rhetoric of 1776.

## II

This process of looking backward has its perils. In its uncritical historiography of Jefferson, Jackson, and Lincoln, the Old Left mirrored its overcommitment to Franklin Roosevelt. Just as they failed to maintain sufficient political distance from F.D.R.'s coalition, so in rewriting American history radicals

of the New Deal era maintained too little intellectual distance between themselves and reform leaders of the past. In fact, it was no more accurate to characterize Jefferson, Jackson, and Lincoln as "friends of the common man" than it was to term Franklin Roosevelt "progressive" and leave the matter there. By defending states' rights and Southern sectional interests, Jefferson by implication protected slavery; by defending the Union and Northern sectional interests, Lincoln by implication promoted capitalism. It would be more accurate to say that at certain periods of their lives Jefferson and Lincoln expressed a revolutionary tradition, than to say that they created it. Six months before the Declaration of Independence a republican theory of natural rights was articulated by Paine and Richard Price. Long before Lincoln quoted the Declaration of Independence against slavery, abolitionists had roughhewed a revolutionary theory from the Declaration and the Bible. The characteristic exponents of the revolutionary tradition were poor workingmen who did not go to college and rarely held public office, such as Paine, Garrison, George, and Debs.

But if there is danger in romanticizing the past by fabricating a radicalism which was not there, it is equally misleading to suppose that there was no American radicalism prior to the formation of an industrial proletariat or the advent of Marxist theory. A continuous radical tradition existed. Ambiguous ideological axioms evolved, under the pressure of events, into radical corollaries which threatened private property and the authority of the state. These pages dwell on that unfolding clarification of abstract ideas. But it must not be forgotten that behind the words, constantly translating the printed pamphlet into the sermon or stump speech, and speeches into the whispers of conspiracy, stood men. When one asserts the reality of an unbroken continuity between the revolutionaries of 1776 and twentieth-century radicals, one refers not only to the intellectual fact that, for example, early nineteenth-century American socialists built on Jefferson's dictum that "the earth belongs to the living";<sup>12</sup> but also to the human fact that a son of utopian socialist Robert Owen was the principal draftsman of the Fourteenth Amendment, and a son of John

Brown sent grapes to the Haymarket anarchists as they awaited execution.<sup>13</sup>

The prophets of twentieth-century American radicalism, Debs and Du Bois, viewed themselves as executors of an American tradition which they were proud to inherit. Thus both men revered John Brown, whom Du Bois praised for (among other things) his "inchoate but growing belief in a more just and a more equal distribution of property," and Debs called "History's Greatest Hero."<sup>14</sup> Debs's best-remembered speech, to the jury on the occasion of his conviction for sedition in World War I, was a miniature history of the United States for radicals. He reminded his listeners that Samuel Adams had been condemned as an incendiary and Patrick Henry as a traitor, that Washington, Adams, and Paine "were the rebels of their day." Then the abolitionists began "another mighty agitation." Elijah Lovejoy, "opposed to chattel slavery—just as I am opposed to wage slavery," was "despised in his day as are the leaders of the I.W.W. in our day." It was my good fortune, Debs continued, to know Wendell Phillips personally; Garrison, Gerrit Smith, Thaddeus Stevens were once "regarded as monsters of depravity" but "you are teaching your children to revere their memories."

Then Debs turned to the theme of internationalism, quoting Paine's and Garrison's words, "My country is the world." He referred to Lincoln's opposition to the war with Mexico, and maintained that he himself did not go so far as Phillips, who had said that "the glory of free men is that they trample unjust laws under their feet." He ended, as his biographer notes, by paraphrasing, perhaps unconsciously, John Brown's last words to his jury in 1859.<sup>15</sup>

Politically as personally, recourse to the past can be a means of retrogression and escape; but it can also be the first step in a process of liberation. With or without the help of therapists all of us occasionally look back to our individual pasts to find strength for new beginnings. With or without the help of historians, similarly, Americans concerned to change the society around them have made appropriate use of the past as a source for forgotten alternatives, for encouragement to

endure. The Revolution-cum-Declaration can legitimately provide that "frequent recurrence to fundamental principles" which the Virginia Bill of Rights advised.

### III

Distant and archaic as it may often appear, the language of the Declaration of Independence remains relevant as an instrument for social transformation. What pre-Civil War radicals meant by these old words has much in common with what the modern radical movement means by its own characteristic phrases. Men should be free, according to the revolutionary tradition, because on joining society they do not surrender their essential natural powers. If existing society abuses those powers, men should demand their restoration at once: "immediate emancipation," or as Garrison sometimes put it, "freedom now."<sup>16</sup>

Existential radicals of the mid-twentieth century have rediscovered the central affirmations of the older tradition. They have learned in the concentration camp or the American South that no external circumstances can deprive man of his capacity to be a free moral agent. At the Nuremburg Tribunal and elsewhere, they began to talk once more about the attributes of man as man: to use Jefferson's language, about "the common rights of mankind," "the rights of human nature," the "sacred" laws of nations "which even savage nations observe."<sup>17</sup>

For us, then, it is no longer satisfactory to dismiss the eighteenth-century rhetoric as mere myth. Even Carl Becker, author of an excellent study on the Declaration, discounted its philosophy as "a humane and engaging faith" which, however, was founded not on fact but on "a superficial knowledge of history" and a "naïve faith in the instinctive virtues of human kind."<sup>18</sup> The young Karl Marx found the meaning of the Declaration equally transparent. The liberty protected by the French and American bills and declarations of rights was, for Marx, "the right to do everything which does not harm others." It rested, not on a communal relation between men, "but rather upon the separation of man from man." It was "the right of the *circumscribed* individual, withdrawn into himself," "the right

of self-interest." Citing the bills of rights of Revolutionary Pennsylvania and New Hampshire (the texts of which he found in Beaumont's *Marie*), Marx analyzed the "imprescriptible" and "inalienable" right of religious liberty as simply the reflection in the superstructure of bourgeois society of the absolute right of private property which was its economic base. Thus religion in capitalist society "is no longer the essence of *community*, but . . . an expression of the fact that man is *separated* from *community*." Like the economy, bourgeois ideology is fragmented, privatized: "only the abstract avowal of an individual folly, a private whim or caprice."<sup>19</sup>

Marx's analysis of the eighteenth century's "rights of man" was brilliant but one-sided. He exaggerated his own intellectual distance from the French and American manifestos, for he too built his intellectual system on the concept of "alienation" (*Entfremdung*) which he took from Hegel. Alienated man, as Marx portrayed him, was man "corrupted, lost to himself, . . . subjected to the rule of inhuman conditions":<sup>20</sup> one who had transformed his own energies into things and institutions outside himself which returned to oppress him. "Alienation" as described by Marx has a good deal in common with the Declaration's description of government as a creation of men designed to secure their "inalienable" rights, which on occasion becomes destructive of the ends for which it was designed.

Marx was right, of course, in perceiving a capitalist component in the American Revolution. The ambiguity of the Revolution's philosophy lay in affirming personal liberty while at the same time linking it to private property and economic self-interest. As Richard Hofstadter observes, the Founding Fathers "thought man was a creature of rapacious self-interest, and yet they wanted him to be free—free, in essence, to contend, to engage in an umpired strife, to use property to get property. . . . They had no hope and they offered none for any ultimate organic change in the way men conduct themselves."<sup>21</sup> Hofstadter's generalization is as applicable to James Madison or to John Adams as it is to Alexander Hamilton. Hamilton wrote in 1775 that "in contriving any system of government . . . *every man* ought to be supposed a *knave*;

and to have no other end in all his actions, but *private interest*" (a saying of Machiavelli's which Hamilton found in Hume).<sup>22</sup> But Madison, too, believed that freedom was inconceivable without greed and competition:

Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.<sup>23</sup>

The result was in significant respects a closed society, which held the meagerest hopes for human nature and foreclosed in advance the possibility that a community might be both free and fraternal.

Both American abolitionism and Marxism rebelled against the results of the eighteenth-century revolutions. To a significant extent the two movements shared a common vocabulary, desiring the "transcendence" (*Aufhebung*) of man's alienated condition and the reconstruction of society as a voluntary association of free moral agents: in the words of the *Communist Manifesto*, an association in which the free development of each is the condition for the free development of all. But despite these similarities between the American revolutionary tradition and Marxism,<sup>24</sup> Marx's American contemporaries laid more stress than he did on the experienced reality of conscience and the need for personal commitment. For Marx, responsible social action presupposed a rational survey of the economic situation in which one planned to act. Inevitably the required analysis fell to an elite which had the leisure and training to make it. Despite his emphasis on the dependence of theory upon practice, Marx felt considerable distrust for workingmen who sought to change society on the basis of their own experience and perceptions.<sup>25</sup> In this he somewhat resembled those American Founding Fathers who considered moral outrage against slavery premature and utopian, and placed their hope for its eventual abolition in long-run economic trends.

Abolitionist activism therefore has something to say to Marx's dialectical materialism just as it spoke tellingly to the material-

ism of the Founding Fathers. What it has to say is this: One cannot entrust men with a collective right to revolution unless one is prepared for them to revolutionize their lives from day to day; one should not invoke the ultimate act of revolution without willingness to see new institutions perpetually improvised from below; the withering away of the state must begin in the process of changing the state; freedom must mean freedom now.

## NOTES

1. The relation between the American Revolution and the Civil War is explored in my *Class Conflict, Slavery, and the United States Constitution: Ten Essays* (New York and Indianapolis, 1967). It was Charles Beard who suggested that the Civil War was the "Second American Revolution."
2. Carl Degler, "The American Past: An Unsuspected Obstacle in Foreign Affairs," *American Scholar*, XXXII (1962-1963), 207.
3. "Rights of Man, Part Second," *The Complete Writings of Thomas Paine*, ed. Philip Foner (New York, 1945), I, 354.
4. *Liberator*, May 31, 1844.
5. Speeches of June 26, 1857, and July 10, 1858, quoted in Harry Jaffa, *Crisis of the House Divided* (Garden City, N.Y., 1959), p. 316.
6. Henry George, *Progress and Poverty* (San Francisco, 1879), pp. 490-96.
7. Edward Bellamy, *Looking Backward, 2000-1887* (Boston, 1888), p. 78.
8. Henry Demarest Lloyd, *Wealth Against Commonwealth* (New York, 1894), p. 517.
9. *Labor and Freedom: The Voice and Pen of Eugene V. Debs* (St. Louis, Mo., 1916), pp. 16-17.
10. David Herreshoff, *American Disciples of Marx: From the Age of Jackson to the Progressive Era* (Detroit, Mich., 1967), pp. 14, 174.
11. Testimony of Prosser's Ben at the trial of Gabriel and Anthony Burns to the Baptist Church of Fauquier County, Virginia, *A Documentary History of the Negro People in the United States*, ed. Herbert Aptheker (New York, 1962), I, 46, 371; W. E. B. Du Bois, "Of Mr. Booker T. Washington and Others," *The Souls of Black Folk* (Chicago, 1903), p. 59; Stokely Carmichael, "You Better Come On Home," *The Movement*, June 1967.
12. See David Harris, *Socialist Origins in the United States: American Forerunners of Marx, 1817-1832* (Assen, 1966), and Chapter 3, below.
13. "John Brown, Jr., and the Haymarket Martyrs," ed. Louis Ruchames, *Massachusetts Review*, V (1964), 765.

14. W. E. B. Du Bois, *John Brown* (Philadelphia, 1909), p. 375, also pp. 61-71, 165; *Debs: His Life, Writings and Speeches* (Chicago, 1908), p. 271.
15. Speech of September 11, 1916, in David Karsner, *Debs: His authorized Life and Letters from Woodstock Prison to Atlanta* (New York, 1919), pp. 23-44; Ray Ginger, *The Bending Cross: A Biography of Eugene Victor Debs* (New Brunswick, N.J., 1949), p. 373.
16. William Lloyd Garrison, *An Address on the Progress of the Abolition Cause* (Boston, 1832), p. 15; *Liberator*, July 13, 1838.
17. *The Papers of Thomas Jefferson*, ed. Julian Boyd (Princeton, 1950-), I, 119, 130, 196.
18. Carl Becker, *The Declaration of Independence* (New York, 1922), p. 278.
19. "On the Jewish Question," *Karl Marx: Early Writings*, tr. and ed. T. B. Bottomore (New York, 1964), pp. 22-25, 15.
20. *Ibid.*, p. 20.
21. Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York, 1948), p. 16.
22. "The Farmer Refuted," *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York, 1961- ), I, 95, quoting David Hume, "Of the Independency of Parliament," *Essays, Moral and Political*, 3d. ed. (London, 1748), I, 63, who was quoting Machiavelli's *Discourses on Livy*, Book I, Ch. 3.
23. This passage from Madison's Tenth Federalist Paper was anticipated twenty-two years earlier by John Adams. In the first draft of his first published essay, "A Dissertation on Canon and Feudal Law" (1765), Adams wrote: "The Desire of Dominion, that encroaching, grasping, restless, and ungovernable Principle in human Nature, that principle which has made so much Havock and Desolation. . . ." (*Diary and Autobiography of John Adams*, ed. L. H. Butterfield [Cambridge, Mass., 1961], I, 255). But by the time he published the essay Adams had decided: "the love of power which has been so often the cause of slavery—has, whenever freedom has existed, been the cause of freedom. If it is this principle that has always prompted the princes and nobles of the earth by every species of fraud and violence to shake off all the limitations of their power, it is the same that has always stimulated the common people to aspire at independence. . . ." (*The Political Writings of John Adams: Representative Selections*, ed. George Peek, Jr. [New York, 1954], p. 4).
24. For an extended discussion of Marx and Thoreau, see Chapter 3, below.
25. Marx's dealings with real workingmen are examined in P. H. Noyes, *Organization and Revolution: Working-Class Associations in the German Revolutions of 1848-1849* (Princeton, 1966), and in Henry Collins and Chimen Abramsky, *Karl Marx and the British Labour Movement: Years of the First International* (London and New York, 1965).



# I

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THEORY

## **TRUTHS SELF-EVIDENT**

The Declaration of Independence is so familiar that, to use its own language, its propositions seem "self-evident." But the Declaration's assertions were not commonplace and inevitable at the time they were written, nor are they so now. In the mid-eighteenth century (as in the mid-twentieth) a sophisticated social science viewed with amused contempt any argument which failed to recognize that what is held good in one culture may be considered bad by another: that ethics are determined by environment. The "best minds" of the Enlightenment came to believe that the state of nature, the social contract, and the rights of man—in short, the apparatus of John Locke's political philosophy—were human inventions. To grasp the significance of the Declaration as a source of revolutionary ideas one must first grasp equally firmly that from the standpoint of the ethical relativism of a Montesquieu, Voltaire, or Hume it seemed a piece of provincial propaganda, charming perhaps, but founded on fiction and unworthy of serious intel-

lectual attention. It is not untrue to say that the language of the Declaration is the language of Locke; but to say no more than that ignores the fact that by the third quarter of the eighteenth century the natural rights philosophy had been seriously called into question, and required to be restated in a way that incorporated the insights of its critics. The distinctive qualities of the Declaration are the product of that struggle.

The preamble to the Declaration of Independence makes its case in universal terms. It appeals not to the British constitution but to nature and nature's God. It speaks not of the rights of Englishmen known to lawyers but of rights of man self-evident to all. These qualities led an earlier generation of historians to assume that the Declaration had been influenced by Rousseau.

Since the publication in 1922 of Becker's *Declaration of Independence*, historians have been content to ascribe its intellectual origins to John Locke. As Becker put it, "Jefferson copied Locke."<sup>1</sup> The recent scholarship of Bernard Bailyn and others adds the corollary that Americans often copied, not Locke himself, but English publicists of the early eighteenth century who made Locke accessible in popularized form. Among these publicists the names most often mentioned are John Trenchard and Thomas Gordon, joint authors of *Cato's Letters*, most of which appeared in the English press during the years 1720-1723.<sup>2</sup>

The trend of recent interpretation has more and more diluted the Declaration's revolutionary content. When Becker referred to Jefferson's use of Locke, he did so in the context of his thesis that the colonists turned to Locke's natural rights philosophy only when reasoning based on "positive law and custom" had failed. According to Becker, "step by step, from 1764 to 1776, the colonists modified their theory to suit their needs." If in the end Americans resorted to a theory which was not original, still it was a theory sharply distinct from the appeal to precedents and charters with which they began the dispute.<sup>3</sup>

Bernard Bailyn's modification of Becker's thesis stresses the continuity between the thought of the American Revolution

and English Opposition thought of the early eighteenth century. "The configuration of ideas and attitudes" which made up the Revolutionary ideology appeared "intact—completely formed—as far back as the 1730's." In Bailyn's treatment the drama and daring of the appeal to nature against established authority fade from sight. Having observed at the outset of his discussion that "most commonly the thought of the Revolution has been seen simply as an expression of the natural rights philosophy," Bailyn ends with an interpretation in which the natural rights philosophy hardly figures at all.<sup>4</sup>

The argument presented in this and the next chapter challenges the conclusions of both Becker and Bailyn. Its contention is not only that an appeal to natural rights meant something quite different than an appeal to constitutional law, but also that the words of Locke's natural rights philosophy meant something quite different to Anglo-American radicals in the 1770s than they had signified a century before to Locke himself.

Consider Locke and Paine. It can be argued that, at least up to the publication of his *Rights of Man, Part Second*, Paine's political thought merely echoed Locke's theory of natural rights and social contract. But this observation looks only to the bare surface of their language, not to the context in which the language was used. Locke, who blamed poverty on the poor, sought to protect all forms of property including chattel slavery, and took it for granted that government must be the business of educated gentlemen, would have been horrified to find his doctrine turned toward the advocacy of common sense, government by common men, finally even common property.<sup>5</sup>

What needs clarification is the intellectual background to the new modeling of Locke's old meanings by Revolutionary radicals. We shall find that the preparatory steps took place largely in England, among a group of radical Englishmen associated with non-Anglican (Nonconformist or Dissenting) Protestant denominations such as the Quakers to whom Paine's father belonged. These men transferred to secular political discourse that reliance on the individual conscience of unedu-

cated men for which they had contended in religion. Above all they broke with the Lockean thesis that man is the passive product of circumstance, and affirmed what they liked to call "the dignity of human nature."

## I

Roughly halfway through the eighteenth century, as Becker himself emphasized, there took place a pervasive intellectual crisis based on the perception that Locke's environmental psychology contradicted his political philosophy.<sup>6</sup> In the preamble to the Declaration, those phrases justifying revolution taken from Locke's *Second Treatise of Government* logically depended on the prior statement which held it to be "self-evident" (or in the language of an earlier draft, "sacred and undeniable") that men were born equally possessed of inalienable natural rights. And although in the *Second Treatise* Locke referred to a law of nature "writ in the hearts of mankind" and natural rights which "cease not" in society, in the *Essay Concerning Human Understanding* he maintained, as Becker paraphrased him, that "God has not . . . stamped upon the minds of all men certain intuitively perceived intellectual and moral ideas."<sup>7</sup> Locke simultaneously advocated a political philosophy of liberation and a psychology that seemed to deny the reality of ethical judgment.

According to Locke's theory of psychology, ideas derived from experience as man was stimulated by pain and pleasure to repeat some actions and to eschew others. But if man was endowed by his Creator only with a mind which was a blank page, then what happened to self-evident inalienable rights? and to a theory of revolution which presumed those rights to exist? Impressions written by past experience upon the *tabula rasa* of the mind could presumably be erased by new experience in the future. Convictions shaped by a particular environment would change if the environment were altered. Reformers required, in Becker's words, "a fulcrum in Nature for moving the existing order": "they had to demonstrate that 'life, liberty, and the pursuit of happiness' were according to Nature and the will of God, whereas tyranny and cruelty and the taking of

property without consent were not."<sup>8</sup> But Locke's environmental psychology appeared to demonstrate that ideas of right and wrong merely reflected existing society.

The dilemma which Locke thus bequeathed to his disciples may be compared to twentieth-century discussion of "what Marx really meant." Locke then like Marx now provided the most vigorous available rationale for social change, which no reformer wished altogether to discard. But Locke then like Marx now also brilliantly explained how circumstances created the convictions in the name of which change was demanded. A twentieth-century version of the resulting impasse, by Edward Thompson of the English New Left, runs as follows:

. . . men had abandoned human agency. They could not hold back change; but change went with the shuffling gait of circumstance. It did not stem from the operation of human consciousness and will upon circumstance. Events seemed to will men, not men events. For meaning can be given to history only in the quarrel between "ought" and "is." . . .<sup>9</sup>

Eighteenth-century materialism led to the identical dead end. As Basil Willey paraphrased Holbach: "Our errors *cannot* be 'natural,' are not what Nature intended; yet there is nothing which Nature has not produced, nothing which does not fall within the 'domain of causality'."<sup>10</sup> Or as Ernst Cassirer put the problem: "How does the necessity and immutability of the concept of law agree with the proposition that every idea is derived from the senses and that, accordingly, it can possess no other and no higher significance than the various sense experiences on which it is based?"<sup>11</sup>

Stimulated by Locke's environmental psychology as by the economic determinism of James Harrington, English political philosophy in the eighteenth century turned away from natural rights toward a social science characterized by ethical relativism and pragmatic accommodation to existing reality. This generalization may hold most true of conservatives such as David Hume, but it also applies to Opposition ideologues such as Trenchard and Gordon. In the belief (following Harrington) that "the first Principle of all Power is Property; and every Man will have his Share of it in proportion as he enjoys

Property," the authors of *Cato's Letters* concluded that "the great Secret in Politicks is nicely to watch and observe this Fluctuation and Change of Natural Power, and to adjust the Political to it." Since property in England was unequally distributed, a republic was impossible: "the Phantome of a Commonwealth must vanish, and never appear again but in disordered Brains."<sup>12</sup>

Such sophisticated skepticism was no doubt less characteristic of the American colonies, a young and hopeful society. But as Alan Heimert maintains, in America too the rationalist "Liberal" clergy tended toward "restricting the Christian pilgrimage to a methodical adjustment to the given norms of existence." "The starting point of Liberal doctrine was the objective 'realities' of the 'present state' of human existence," Heimert continues; for the Liberal, according to Heimert, happiness "came through accommodation to the environment in which man had been placed."<sup>13</sup>

In the more secular discourse of the Revolutionary era, a persistent strain of American thinking continued to restrict the vision of the possible to what existing economic realities appeared to permit. All the Founding Fathers—Jefferson as well as Hamilton. Madison along with John Adams—shared a deep-seated fatalism about the ultimate instability of republican government. In Douglass Adair's words, "the Fathers' scientific reading of history committed them and their contemporaries in varying degrees of rigidity to a species of *political determinism*."<sup>14</sup> In fact, as Adair adds, their determinism was fundamentally economic, for it followed from Harringtonian assumptions about the relation of property and power. Moreover, Jefferson and others of his generation tended to fall back on the argument from economic realism to explain their inability to put an end to chattel slavery. Abolitionism was in part an insistence that active human will might overcome the objective conditions which to the Fathers appeared inalterable.<sup>15</sup>

Up to this point in the discussion the relativism and fatalism of Locke's psychology have been counterposed to the natural rights philosophy of the *Second Treatise*. But a careful reading of the *Second Treatise* shows that Locke's environmental

psychology seriously weakened his apologia for revolt. Thus the law which God has written on men's hearts turns out to mean, for Locke, Hobbes's instinct of self-preservation: "that great law of nature, 'Whoso sheddeth man's blood, by man shall his blood be shed'." Quoting Locke's subsequent assertion that "however strange it may seem, the law-maker hath nothing to do with moral virtues and vices," Leo Strauss concludes that even in the *Second Treatise* Locke did not subscribe to a law of nature in the traditional normative sense.<sup>16</sup>

Throughout his writings Locke systematically segregated things sacred from things secular, allowing freedom of conscience to religion only after carefully barring it from all interference in secular society. In his *Letter Concerning Toleration* Locke asserted that while liberty of conscience "is every man's natural Right," he esteemed it "above all things necessary to distinguish exactly the Business of Civil Government from that of Religion, and to settle the just Bounds that lie between the one and the other."<sup>17</sup> Locke either invoked the traditional morality to win acceptance for a theory based upon hard self-interest, or ignored the traditional morality entirely. The former is exemplified by the chapter on property in the *Second Treatise*, which begins with the observation that God has given the earth to "mankind in common" and ends by rationalizing the unlimited accumulation of wealth. An illustration of the latter is the society envisioned by the Fundamental Constitutions of South Carolina (drafted or at least transcribed by Locke), which gave its citizens broad religious liberty together with "absolute power and authority" over their Negro slaves.

Property rather than conscience was the basis of Locke's whole system. The *Second Treatise* declares that a man can justly kill a thief who threatens only his property, and that an officer who may not take a penny from a soldier's pocket can order the soldier's execution.<sup>18</sup> As Sheldon Wolin remarks, Locke made conscience into a safeguard for property by conceptualizing it as "an internalized expression of external rules rather than the externalized expression of internal convictions." Locke, in Wolin's words, "ushered in a new social world



where men, no longer able to communicate on the basis of a common interior life, were reduced to knowing each other solely from the outside." Thus "man had become estranged from man, which corresponds exactly with Locke's terse description of the human condition where individual consciences are strangers to each other: 'no particular man can know the existence of any other being, but only when, by actual operating upon him, it makes itself perceived by him.' Man becomes conscious of his fellows only when he and they collide; conflict and friction are thus the sources of man's awareness of man."<sup>19</sup>

Therefore the neo-Lockeans of the eighteenth century, like the neo-Marxists of the twentieth, were obliged to reintroduce the ethical dimension. They insisted on the reality of the good and on man's ability to recognize it, defended the intuitions of the heart against the paralyzing analyses of the head. "It was necessary," Becker wrote,

to execute a strategic retreat from the advanced position occupied by abstract reason, from the notion that nature has "no more regard to good above ill than to heat above cold." . . . The innate ideas which Locke had so politely dismissed by way of the hall door had to be surreptitiously brought back again through the kitchen window.<sup>20</sup>

The image is an apt one, for the energizing of Locke's doctrines in the third quarter of the eighteenth century was closely connected with a new emphasis on the political capacity of the common man.

## II

James Burgh, Richard Price, Joseph Priestley, John Wilkes, John Cartwright, Granville Sharp, Catharine Macaulay, and Thomas Paine were the principal members of a group of English publicists whose writing cleared the ground for revolution. We shall term them Dissenters. Not all were Nonconformists to the established Anglican Church; Sharp, for instance, belonged to it, and Wilkes was scarcely religious at all. Yet their characteristic figure was, like Price, a preacher in Nonconformist chapels, or, like Burgh, a teacher in a Non-

conformist private school. Participation in radical Protestant church life critically influenced the Dissenters' ideas. Further, their refusal to swear prescribed religious oaths excluded them from political office and university employment and meant that, middle-class though most of them were, the Dissenters had some personal experience of oppression. Their polemics breathed a more-than-academic passion: as Morley says of Rousseau, they "converted the blank practice of the *philosophes* into a deadly affair of ball and shell."<sup>21</sup>

From 1750 through the American Revolution the Dissenters poured forth books and pamphlets which cited one another profusely (thus Paine refers to Burgh in *Common Sense*, and to Price in the sixth *Crisis* and *The Crisis Extraordinary*) and cumulatively expounded a common doctrine. This was the doctrine of a natural law, made by God, evident to every man, consonant with the best parts of the traditional law of England but superior to any law or government which was arbitrary or unjust. When, on the brink of open rebellion, Americans needed an intellectual resource more potent than the rights of Englishmen to justify actions so obviously seditious as the Boston Tea Party, they turned to the rights-of-man teaching of their staunchest English supporters. "Not until the argument shifted substantially away from English rights and over to natural justice did Price and Priestley influence American minds."<sup>22</sup> When that happened, after 1774, the Dissenters' works "appeared everywhere in the colonies"; their pamphlets and letters "were read avidly, circulated, published and republished"; it was they, rather than British Whigs like Burke, whose thought corresponded to the thought of those called Whigs in America; the exchange of materials between colonists and Dissenters "gave both parties . . . a feeling of strength and pushed them toward an ever more radical view of existing authority."<sup>23</sup>

*Common Sense* is the most spectacular exemplar of Dissenting influence, but it was only one work among many. The subscription list for James Burgh's *Political Disquisitions*, published in London in 1774 and in Philadelphia the next year, "reads like a 'Who's Who in the American Revolution,'" but, like *Common Sense*, Burgh's three-volume work is said to have

had "a widespread influence . . . upon the common folk," for example in the town meetings of western Massachusetts.<sup>24</sup> Very likely even more influential was Richard Price's *Observations on the Nature of Civil Liberty*, published early in 1776 in London at about the same time *Common Sense* appeared in Philadelphia, and reprinted the same year in Boston, New York, Charleston, and (two printings) Philadelphia, as well as in the Hartford and Boston newspapers.<sup>25</sup>

As if to make sure that the gist of Dissenting doctrine reached the common man, John Wilkes had earlier acted out before a transatlantic audience the core idea that conscience, not constituted authority, must be the ultimate arbiter of political good and evil. Writings of Wilkes's were reprinted in New York, Philadelphia, and Boston in 1763, and his complete works in New York in 1768; but it was of course his actions—his arrest for seditious libel, his flight to France, his return and successive re-elections by Middlesex County in the face of Parliament's refusal to seat him—which captured popular attention.<sup>26</sup> The press in America was so "full of his trials, tribulations, and speeches . . . that one may go to almost any issue of any newspaper between 1763–1775 and read of John Wilkes."<sup>27</sup>

A web of personal relations between English Dissenters and American radicals undergirded the written word. Catharine Macaulay sent her "more ardent pamphlets" to John Dickinson, Priestley forwarded to Franklin *Observations on Civil Liberty* by Price, Granville Sharp and Anthony Benezet exchanged pamphlets on slavery. When, after the outbreak of hostilities, Price's position in England became difficult, the American commissioners in Paris invited him to become a United States citizen; he later became a member of the American Academy of Arts and Sciences and the American Philosophical Society. Reciprocally, Benjamin Franklin, no doubt the American leader most influenced by the Dissenters, was closely associated with Price, Burgh, and Priestley in the "Honest Whig" club of London which met regularly from at least as early as 1764 until after the Revolutionary War and in which, according to James Boswell, "much was said . . . against Parliament."<sup>28</sup> Benjamin Rush was another American in constant touch with Dissenters

throughout his life. As a student in Great Britain during the 1760s Rush attended Catharine Macaulay's salon, where he met James Burgh, dined with John Wilkes in King's Bench prison, and was converted to republicanism. Back in America Rush corresponded with Mrs. Macaulay, her brother Alderman Sawbridge, Granville Sharp, and Price. Paine, arriving in Pennsylvania with a letter of recommendation from Franklin, read the draft of *Common Sense* to Rush who (so Rush later claimed) suggested the title and found him a publisher. When Priestley was hounded out of England in the 1790s, he and Rush at once sought each other out.<sup>29</sup>

Far from simply elaborating the characteristic themes of Opposition ideologues of the 1720s, Dissenting radicalism reached back over the heads of Trenchard and Gordon, back even beyond Locke, to John Lilburne, Gerrard Winstanley, Richard Overton, and other religious republicans of the 1640s and 1650s. This meant, in part, that whereas the early eighteenth-century commonwealthmen explicitly disavowed republicanism, the Dissenters inclined toward it: Catharine Macaulay praised Lilburne's republican draft constitution for England, the "Agreement of the People,"<sup>30</sup> and Paine called George III a royal brute. More broadly, the ascendancy of Dissenting radicalism represented a return to an essentially religious outlook. Locke, Harrington, and their popularizers wrote as rational analysts, almost as social scientists, whose vision of what might be was "sensibly" limited by recognition of what was. The standpoint of the Dissenters was the experienced reality of conscience; their tone tended to be personal and prophetic; for them the great secular truths were "self-evident" in the same sense as the truth of religion, which is to say intuitively accessible to average men.

The Dissenters made clear their quarrel with an environmental psychology in their first major works. James Burgh's *The Dignity of Human Nature* was published in 1754, and well enough known in America eighty years later for Thoreau to borrow it from the Harvard library. The thesis was that a "self-evident truth is not collected, or deduced, but intuitively perceived." This proposition held equally for truth of all kinds,

since "moral truth is in no respect naturally more vague or precarious than mathematical."<sup>31</sup>

Richard Price's *A Review of the Principal Questions and Difficulties in Morals*, published in 1758, was a more substantial book than Burgh's. William Ellery Channing credited to it his lifelong emancipation from Locke's psychology, and in the twentieth century it has enjoyed a revival among philosophers of the school of G. E. Moore. But Price posed the same problem as Burgh, whether "*right and wrong, or moral good and evil, signify somewhat really true of actions, and not merely sensations,*" and gave the same answer, that a man can intuitively tell of an action that it is good "in much the same sense [that he can say] of an object of sight, that it is *coloured*, or of an object of taste, that it is *sweet*."<sup>32</sup>

Price preferred not to repudiate Locke directly. Much as he admired Locke's excellent essay on understanding, said Price, he found it not "sufficiently clear or explicit." If Locke meant merely that sensation and reflection furnished all the "subjects, materials, and occasions of knowledge," that was well enough, but if he meant them to be "the sources of all our ideas, as he so often calls them," then he was in error. For the mind had a faculty of perception which could give rise to new ideas, "not received immediately from the afore-said springs": "the power within us that *understands*; the *Intuition* of the mind."<sup>33</sup>

Price was in fact talking about a faculty very much akin to the Quaker inner light. This faculty was not a "moral sense," for Price rejected the theories associated with that term as variants of the environmentalism which reduced man to a machinelike recorder of pains and pleasures. Price conceived the perception of moral truth as an intellectual function. To describe its operation he resorted to some remarkable metaphors: it is the "eye of the mind," the "innate light," to which we owe "our belief of all self-evident truths, . . . our moral ideas, and whatsoever else we discover without making use of any process of reasoning." Sense "lies prostrate under its object" and "must therefore remain a stranger to the objects": it "sees only the *outside* of things." Reason, however, "looks

*downwards* upon things" and "acquaints itself with their *natures*." Failing to make this distinction, Locke offered a definition of the good as action in conformity to some rule or law which (said Price) cannot discriminate between a thing which is right because it is the will of God and a thing which is "right" because it conforms to "the *decrees of the magistrate, or the fashion of the country*." Not that Locke admitted this: Price remarked that Locke "was strangely embarrassed, and inconsistent in his notions on this, as well as some other subjects." But Price himself was in search of a ground for moral truth which—he used the word—"transcends" the sense impressions man derives from the particular society in which he happens to be born.<sup>34</sup>

Confident intuition of a universal moral order made by nature's God was thus the preamble to the political faith of the Dissenter, as of the subsequent Declaration of Independence. It has been said of Paine that his radicalism was "an attempt to re-establish in politics and religion a lost harmony with this uniform, immutable, universal, and eternal law and order, and to modify or overthrow whatever traditional institutions have obscured this order."<sup>35</sup> For Trenchard and Gordon, as for Locke, the threat of Papism was so vivid that they sought to place limits on the pretensions of men who spoke in the name of religion to interfere with the affairs of secular society. The radical Dissenters, on the other hand, reverted to what Professors Haller and Woodhouse term the "confusion" between the law of nature and the law of God characteristic of the commonwealthmen of the 1640s: a belief better understood as the conviction that nature and nature's God speak with a single voice.<sup>36</sup> Just as John Lilburne in one of his pamphlets cited in the space of two pages the English Chronicles, the Petition of Right, half a dozen medieval statutes, Coke's *Institutes*, various speeches in the Long Parliament, Psalms, Romans, and Deuteronomy as equally appropriate authorities for a political argument (the footnote, "See the 36 Edw. 3, 15, and 1 Cor. 14. 7, 11, 16, 19, 23" suggests the tone of the whole) or Gerrard Winstanley, urging common ownership of land, argued suc-

cessively from "natural experience," "the old Scriptures," and "the practice of Kings," so John Cartwright asserted that "the law of God and the law of the land *are all one*" and Granville Sharp maintained in tract after tract that statute law must conform to the "eternal Laws of God (which the Baron [Pufendorf] and other Civilians commonly call 'the *Laws of Nature*')."<sup>37</sup>

In order to recover faith in some of Locke's own words Dissenting radicals were driven back to sources older than the *Second Treatise*. Their key tenets, the existence of a higher law and the capacity to perceive it of that inner light or intuition which all men shared, were religious in origin. Locke's teaching left men isolated from each other and passive recipients of sensory experience. The search to overcome that outer and inner alienation discovered no solid resting-place until it reached theorists inspired by the Radical Reformation who had shifted "the locus of fundamental value from external authority to internal impulse."<sup>38</sup> The deep congruity between that older existential orientation and the approach of the Dissenters explains why Priestley turned back to the sixteenth-century Unitarian Faustus Socinus; why the most frequently quoted authority in the moral philosophy of Price was the seventeenth-century Platonist Ralph Cudworth; why Benjamin Rush, when he became convinced of universal salvation, found sustenance in the writings of Oliver Cromwell's chaplain; or why when the American Quaker John Woolman decided not to pay taxes for war, he remembered John Huss.<sup>39</sup> According to Anthony Lincoln, the most searching analyst of the Dissenters,

one great principle . . . lay at the center of all that the Dissenters thought and wrote, linking them spiritually with the storms and stress of the seventeenth century. That principle was the natural right to freedom of conscience. . . .<sup>40</sup>

But what made the thought of the Dissenters politically revolutionary was that, having restored conscience to the center of man's experience, they generalized and secularized it. Synthesizing secular and sacred, natural and divine, they insisted that all forms of traditional authority should submit

to the judgment of a conscience concerned with both God and politics. Again in the words of Anthony Lincoln, Dissenting radicalism "was a vital movement in the history of political philosophy because it revealed the process by which Christian liberties could be transformed into the Rights of Man. The process was psychological. . . . Once men have taken the short step of investigation from the spiritual privileges of the Christian to the spiritual composition of the understanding, the transformation into Natural Rights is achieved."<sup>41</sup>

This forward step was at the same time a step backward to the un-Lockean thesis of the sixteenth-century treatise *Doctor and Student*, "a favorite of Jefferson's"<sup>42</sup> as of Lilburne, Cartwright, and Sharp, that there is a law

written in the heart of everie man, teaching him what is to bee done, and what is to be fled: and because it is written in the heart, therefore it may not bee put away . . . and therefore against this law, prescription, statute, nor custome may not prevaile.<sup>43</sup>

Commenting on the tendency of Locke and those who came after him to let nature come between themselves and God, Becker alludes to the seventeenth-century English sectaries who justified resistance by "natural law, which was that right reason or inner light of conscience which God had given to men for their guidance."<sup>44</sup> It was precisely that inner light to which the Dissenters recurred. Its reliability in all things was their essential teaching. Conscience, relegated by Locke to the periphery of a society based on property, became the critic of all social orders.

### III

Now if the past generation of scholarship on the American Revolution has considered any one thing to be finally settled it is that Rousseau had nothing to do with it. And despite the significant exception of James Otis' reference to "the celebrated *Rousseau*" in the first major colonial exposition of the doctrine that positive law is void if contradictory to



the law of nature, Becker seems to have been right in his assertion that few Revolutionary Americans read French books.<sup>45</sup>

The possibility suggests itself, however, that Rousseau influenced the English Dissenters who in turn concededly influenced the natural rights philosophy of the Declaration. Such indirect transmission of ideas is evident in the case of the Levellers, who, despite what Rossiter terms their "complete boycott" by colonial Americans,<sup>46</sup> were well known to the English radicals whom colonial Americans read. Similarly, although Rossiter finds "precious few traces" of Rousseau in the colonies,

in no country was Rousseau more highly esteemed than in England. The most favourable reviews both of his *Nouvelle Héloïse* and of his *Emile* had appeared in the English newspapers and periodicals. . . . The hearts of Puritans had been won by the *Letter to D'Alembert*. . . .<sup>47</sup>

One of those Puritans was Burgh, whose 1764 *Utopia*, *An Account of the Cessares*, idealized Rousseau's account in the *Letter* "of a people near Neuschâtel in Switzerland" who "live free from taxes, imposts and oppressions," whose "chief amusement is to sing Psalms with their wives and children," and who "have also useful books, and are tolerably well instructed, and reason sensibly upon most subjects."<sup>48</sup>

Burgh was not the only Dissenter to read Rousseau, and the case has been made that Dissenters were among all Englishmen particularly receptive to the libertarian asceticism of Rousseau's teachings on education, on luxury, on natural piety and the wisdom of the heart.<sup>49</sup> Illustrative of Rousseau's influence on English Dissenting radicals are Wilkes's reference, when himself in exile, to "the great philosopher, though in these times no longer the citizen of Geneva"; Priestley's *Essay on the First Principles of Government* (1768), perhaps the more insistent on civil liberties because it recognized "with Rousseau" that all representation involves a loss of freedom; Paine's tribute in the *Rights of Man* to Rousseau's "loveliness of sentiment in favor of liberty, that excites respect, and elevates the human faculties"; and

William Godwin's acknowledgment in *Political Justice* that Rousseau had been a principal source of his own thought.<sup>50</sup>

But such influence-hunting is always dubious. Imagine the scholar of the future who attempts to sort out the mutual interaction of Heidegger, Sartre, Camus, Buber, Adam Schaff, Castro, Robert Parris, Bonhoeffer, and Fanon! The important point is: just as all these twentieth-century men combined to create a new atmosphere of existential radicalism, so in the third quarter of the eighteenth century the English Dissenters transformed the Lockean tradition in much the same way that Rousseau did in France. Rossiter is quite mistaken when he says that "Rousseau's whole approach to man, society, and government ran counter to the basic principles of American Revolutionary thought."<sup>51</sup> This may be true of *The Social Contract* (although it was *The Social Contract* which Otis cited in his pamphlet of 1764) but it was not true of the five earlier works—the discourses on the arts and sciences and the origins of inequality, the *Letter to D'Alembert*, the *Émile*, the *Nouvelle Héloïse*—translated into English almost as soon as they were published during the critical years of the 1750s and early 1760s when English political philosophy began to take a new direction.

Rousseau turned away from the psychology of Locke just in the way that Richard Price did. In the words of Ernst Cassirer: "All ethical thought of the eighteenth century showed, despite deviations in detail, a common direction insofar as it understood the quest for the origin of morality as a psychological problem and as it believed that this problem could be solved only by penetrating the nature of moral feeling. . . . The philosophical ethics of Shaftesbury and Hutcheson, Hume and Adam Smith, were built upon the doctrine of the feelings of sympathy, the doctrine of the 'moral sentiment'." Rousseau like Price, on the other hand, regarded ethical truth as self-evidently apparent to reason, but to reason operating not by logic but by intuition. What was it in the mind that made possible "the self-evidence of ethical insight"? Rousseau, Cassirer says, groped for the

right word, referring variously to "reason," "instinct," "divine voice," "inner light," "feeling," "conscience."<sup>52</sup>

Both Price and Rousseau counterpose the spontaneously ethical will to that lesser self determined from without by pain and pleasure. Rousseau, according to Cassirer, "transcends the limitations of the sensationalistic psychology. The self is not a datum of sense and can never be understood as the mere product of sense data. It is an original activity. . . ." An inquiry in psychology ends in a "religion of freedom," and returns in the case of Rousseau as in the case of Price to what Cassirer terms "the actual central principle of Protestantism": the affirmation that "no one can believe for another"; that not only in religion, but in the whole circle of life as well, "everyone must stand on his own and dare to wager his entire self"; that there exists "no kind of inspiration outside the sphere of personal experience," that "the deepest, indeed the only form of self-experience was the experience of the conscience."

Thus, if one cannot return to the older historical view that Rousseau influenced the Declaration of Independence, one can rephrase that proposition in this way: that the natural rights theorizing of Anglo-American radicals in the months and years immediately preceding the drafting of the Declaration made the same key affirmations that Rousseau did. Man was understood to be concerned with more than pain, pleasure, and material self-interest. Moral truth was rescued from environmentalism and once again perceived as an experienced fact. Hume, Voltaire, and Montesquieu notwithstanding, it again became possible to say, as Jefferson wrote in 1774: "the great principles of right and wrong are legible to every reader."<sup>53</sup>

#### IV

The difference between Locke's conception of the law of nature and that of his Dissenting quasi-disciples appears most clearly in response to the question: To whom is natural law "self-evident"? As Sheldon Wolin says, "the roots of the divergence between the liberal and the radical democratic

traditions lie in their contrasting faiths concerning the ability of the human mind to fathom reality and to translate the results into practical actions."<sup>54</sup>

Locke believed that knowledge of the law of nature was accessible only to a minority of gentlemen, and that "the greatest part of mankind want leisure or capacity" for it.<sup>55</sup> Similarly Harrington expressed the opinion that "your mechanics, till they have first feathered their nests, like the fowls of the air whose whole employment is to seek their food, are so busied in their private concerns that they have neither leisure to study the public nor are safely to be trusted with it because a man is not faithfully embarked in this kind of ship if he have no share in the freight."<sup>56</sup>

Locke sought to make sure that, if political participation presupposed leisure, the poor would be kept at work. In 1697, in conformity with his view that unemployment was caused by "nothing else but the relaxation of discipline and corruption of manners," Locke recommended a poor law which among other things deplored the fact that the labor of the children of the laboring poor "is generally lost to the public till they are twelve or fourteen years old" and so provided that all children over three of families on relief should attend "working schools" which would ensure that they would be "from infancy . . . inured to work." Bread, he continued, should be given to the children at their "school" so that their parents would not waste a monetary stipend on drink. "And to this may be also added, without any trouble, in cold weather, if it be thought needful, a little warm water-gruel; for the same fire that warms the room may be made use of to boil a pot of it."<sup>57</sup> Here Locke anticipated the view of his popularizers, Trenchard and Gordon, who "in their vehement and repeated objections to Church of England charity schools, . . . want the children of the poor left in the servant class where they belong."<sup>58</sup>

The Dissenting radicals found their way slowly to faith in the common man's ability to know. Burgh, in his *Dignity of Human Nature*, observed that while all truths were "alike certain" they were not all "alike obvious," moral truth being

as clear as mathematical truth only to "superior minds" that were "fitted for receiving and examining it."<sup>59</sup> In his essay "on liberal education" in 1765, Priestley disclaimed any wish of "teaching politics to low mechanics and manufacturers," a remark which his subsequent editor regretted.<sup>60</sup>

But as the American Revolution drew near, the Dissenters' faith in the capacity of the poor for knowledge grew together with their insistence that the poor should vote. Thus Wilkes told Parliament in 1775 that "the meanest mechanic, the poorest peasant and day-labourer" had rights affected by the laws, which, accordingly, "the mass of the people" should have some share in making.<sup>61</sup> Thus Burgh, in his *Political Disquisitions* republished that same year in Philadelphia, rejected "the commonly received doctrine, that servants, and those who receive alms, have no right to vote for members of parliament, [because thereby] an immense multitude of the people are utterly deprived of all power in determining who shall be the protectors of their lives, their personal liberty, their little property."<sup>62</sup> And in keeping with this political doctrine, John Cartwright's *Legislative Rights of the Commonalty Vindicated* of 1776 espoused the epistemological theory that "*common sense*" brought natural law within the reach of the "laboring mechanic and the peasant."<sup>63</sup>

It was an enduring controversy. Later Burke would denounce Price for his "mechanic philosophy" and maintain that the state suffers oppression if hairdressers or working tallow chandlers "either individually or collectively, are permitted to rule."<sup>64</sup> By then the friends of Franklin, whose father *was* a working tallow chandler, and Paine, whose father made corsets, were committed to Paine's great affirmation that

there is existing in man, a mass of sense lying in a dormant state, and which, unless something excites it to action, will descend with him, in that condition, to the grave. . . . The construction of government ought to be such as to bring forward, by a quiet and regular operation, all that extent of capacity which never fails to appear in revolutions.<sup>65</sup>

In this way a belief in intuitively self-evident moral truth became associated with a belief in equality. All men came to

be considered capable of perfection because every man was born predisposed to a correct intuitive knowledge of the essential truths.<sup>66</sup> The words with which Rousseau began his *Émile*—"All is well when it leaves the hands of the Creator of things"—were echoed during the American Revolution by Price, who affirmed that equality was a right with which men came "from the hands of their Maker," as by Paine, who said that the revolutionary constitution of Pennsylvania considered men "as they came from their maker's hands."<sup>67</sup> In 1787 Price, in a sermon on "The Evidence for a Future Period of Improvement in the State of Mankind," quoted the words of Condorcet: "Let us be cautious not to despair of the human race."<sup>68</sup>

So it happened that by the time the Declaration was drafted the belief was once more current that natural rights depend neither on past precedent nor on rational demonstration, but are (as Jefferson put it) "rights of human nature" evident to every man. Perhaps the most striking formulation of this thought before the preamble to the Declaration was in Cartwright's *American Independence*, printed in 1774 in London and republished in Philadelphia in 1776. "It is a capital error in the reasonings of several writers on this subject," Cartwright said,

that they consider the liberty of mankind in the same light as an estate or chattel, and go about to prove or disprove their right to it by the letter of grants and charters, by custom and usage, and by municipal statutes. Hence too we are told, that these men have a right to more, those to less, and some to none at all. But a title to the liberty of mankind is not established on such rotten foundations: 'tis not among mouldy parchments, nor in the cobwebs of a casuist's brain we are to look for it; it is the immediate, the universal gift of God. . . .<sup>69</sup>

Thus was the way opened for reinterpreting John Locke in the spirit of Tom Paine.

## NOTES

1. *Declaration of Independence*, pp. 27-28, 79.
2. The three most important books are Clinton G. Rossiter, *Seedtime of the Republic* (New York, 1953), which first made the point that

- the colonists read "Cato" more than Locke; Caroline Robbins, *The Eighteenth Century Commonwealthman* (Cambridge, Mass., 1959), which portrayed "Cato's" predecessors and successors in England; and Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass., 1967).
3. *Declaration of Independence*, pp. 133-34.
  4. The quoted phrases are from *Ideological Origins*, pp. vii, xi. Contrast Rossiter, *Seedtime*, p. 141: "So long as [my italics] Americans were more concerned with English rights than natural rights, Gordon and Trenchard were the witnesses most repeatedly called to support their pretensions to liberty."
  5. Alan Heimert observes that nearly every Protestant minister in colonial America who commented on civil affairs used Locke's vocabulary, but some used it "almost as a justification of the *status quo*." "Echoes and expositions of Lockean theory" did not always "have the same meanings as those attached to the concepts by the authors of the Declaration of Independence." To understand the Declaration one must identify the influences which "infused the Lockean vocabulary with a moral significance, a severity and an urgency, and thereby translated the ideas of social contract and natural law into a spur to popular activity." Alan Heimert, *Religion and the American Mind from the Great Awakening to the Revolution* (Cambridge, Mass., 1966), p. 17.
  6. Glanced at in his *Declaration of Independence*, pp. 57-61, this internal contradiction in the thought of Locke and the entire Enlightenment became the central theme of Becker's *The Heavenly City of the Eighteenth-Century Philosophers* (New Haven and London, 1932), pp. 66-70 *et passim*.
  7. *Second Treatise of Government*, Sections 11, 135; *Declaration of Independence*, p. 56.
  8. *Declaration of Independence*, p. 60.
  9. E. P. Thompson, "Outside the Whale," *Out of Apathy* (London, 1960), p. 184.
  10. Basil Willey, *The Eighteenth Century Background* (London, 1940), p. 157.
  11. Ernst Cassirer, *The Philosophy of the Enlightenment*, tr. Fritz Koelin and James Pettegrove (Princeton, 1951), p. 244.
  12. *Cato's Letters; Or, Essays on Liberty, Civil and Religious, and Other Important Subjects*, 3d ed. (London, 1733), III, 151, 154, 162. H. F. Russell Smith commented in *Harrington and His Oceana* (Cambridge, 1914), p. 146: "they concluded (with a sentiment typical of the age) 'we can preserve Liberty by no other establishment than what we have'." See for such sentiments, e.g., *Cato's Letters*, I, liii-liv.
  13. *Religion and the American Mind*, p. 46.
  14. Douglass Adair, "The Use of History by the Founding Fathers," a paper read before the American Historical Association in 1955. See also on the Fathers' fatalism my *Class Conflict, Slavery, and the United States Constitution*, essays 7 and 10.

15. See especially David B. Davis, "The Emergence of Immediatism in British and American Antislavery Thought," *Mississippi Valley Historical Review*, XLIX (1962), 209-30.
16. *Second Treatise*, Section 11; Leo Strauss, *Natural Right and History* (Chicago, 1953), pp. 212 n. *et seq.*
17. John Locke, *A Letter Concerning Toleration* (London, 1689), pp. 48, 6.
18. *Second Treatise*, Sections 18, 139.
19. Sheldon Wolin, *Politics and Vision* (Boston, 1960), pp. 338, 340.
20. *Heavenly City*, pp. 86-87.
21. Quoted in Willey, *Eighteenth Century Background*, p. 208.
22. Rossiter, *Seedtime*, p. 360.
23. *Idem*; Bailyn, *Ideological Origins*, p. 133; Robert R. Palmer, *The Age of the Democratic Revolution: A Political History of Europe and America, 1760-1800* (Princeton, 1959), I, 179; Oscar and Mary Handlin, "James Burgh and American Revolutionary Theory," *Massachusetts Historical Society Proceedings*, LXXIII (1961), 52.
24. H. Trevor Colbourn, "John Dickinson, Historical Revolutionary," *Pennsylvania Magazine of History and Biography*, LXXXIII (1959), 285 and n.; Handlins, "James Burgh," p. 38.
25. Kenneth Roberts has the protagonist in his *Rabble in Arms* carry a dog-eared copy of Price's pamphlet, not Paine's.
26. See particularly Pauline Maier, "John Wilkes and American Disillusionment with Britain," *William and Mary Quarterly*, 3rd ser., XX (1963), 373-95.
27. Rossiter, *Seedtime*, p. 527. As to the close relation between Wilkes and the Nonconformists, Anthony Lincoln quotes the contemporary comment: "Round the standard of 'Wilkes and Liberty' the non-conformists flocked in crowds. . . . A Dissenter and a Wilkite were synonymous terms" (*Some Political and Social Ideas of English Dissent 1763-1800* [Cambridge, 1938], p. 26).
28. Nicholas Hans, "Franklin, Jefferson, and the English Radicals at the End of the Eighteenth Century," *Proceedings of the American Philosophical Society*, XCVIII (1954), 407, 410, 416, 418-21; Verner Crane, "The Club of Honest Whigs: Friends of Science and Liberty," *William and Mary Quarterly*, 3rd ser., XXIII (1966), 210-33. Franklin wrote from England in 1770 and again in 1773 that "all" the Dissenters supported the American colonists (Franklin to an unknown correspondent in America, March 8, 1780, and to Thomas Cushing, July 7, 1773, *The Writings of Benjamin Franklin*, ed. Albert H. Smyth [New York, 1905-1907], V, 253, and VI, 78).
29. *The Autobiography of Benjamin Rush*, ed. George Corner (Princeton, 1948), pp. 60-62, 229-31; see, similarly, *Memoir of the Life of Josiah Quincy Jr.* (Boston, 1825), e.g., pp. 241, 339, 341-42.
30. *The History of England from the Accession of James I to the Elevation of the House of Hanover* (London, 1769-1772), V, 7-9.



31. James Burgh, *The Dignity of Human Nature* (London, 1754), pp. 171, 178. For Thoreau and Burgh, see Kenneth Cameron, *Emerson the Essayist* (Raleigh, N.C., 1945), II, 193.
32. Richard Price, *A Review of the Principal Questions and Difficulties in Morals* (London, 1758), pp. v. 13. Regarding Price and Channing, see Chapter 2, below.
33. *A Review*, pp. 18–19.
34. *Ibid.*, pp. 23, 53, 63–64, 169, 466; see Priestley's summary in *The Theological and Miscellaneous Works of Joseph Priestley*, ed. J. T. Rutt (London, 1817–1832), III, 146–51.
35. Harry Hayden Clark, "An Historical Interpretation of Thomas Paine's Religion," *University of California Chronicle*, XXXV (1933), 60; and in agreement, Robert R. Palmer, "Tom Paine: Victim of the Rights of Man," *Pennsylvania Magazine of History and Biography*, LXVI (1942), 164: "He believed in a fundamental natural harmony, an underlying peaceableness of society which the interference of governments disrupted."
36. *The Leveller Tracts*, ed. William Haller and Godfried Davies (New York, 1944), pp. 3, 43, 45; A. S. P. Woodhouse, *Puritanism and Liberty* (London, 1938), p. [93].
37. "The earnest Petition of many Free-born People of This Nation," *Tracts*, ed. Haller and Davies, pp. 108–9; "The Law of Freedom in a Platform," *The Works of Gerrard Winstanley*, ed. George H. Sabine (New York, 1941), pp. 520 ff.; John Cartwright, *The Legislative Rights of the Commonalty Vindicated; Or, Take Your Choice!* 2d ed. (London, 1777), p. 65 n.; Granville Sharp, *A Declaration of The People's Natural Right to a Share in the Legislature . . .* (London, 1774), p. xxiii.
38. David B. Davis, *The Problem of Slavery in Western Culture* (Ithaca, N.Y., 1966), p. 299. Woodhouse observes that the Leveller Agreements of the People derived from the concept of the church as a voluntary covenant "first found among the Anabaptists of Germany" (*Puritanism and Liberty*, p. [72]; see also George H. Williams, *The Radical Reformation* [London, 1962]), p. xxviii); more broadly, Ernst Troeltsch called the Anabaptists the "fathers of the rights of man" (Gustav Salander, *Vom Werden der Menschenrechte* [Leipzig, 1926], p. 84). The passage of Continental Anabaptist ideas to England is described by Rufus M. Jones, *Studies in Mystical Religion* (London, 1909), Chs. 17–20, and stressed by Roland H. Bainton, "The Left Wing of the Reformation," *Journal of Religion*, XXI (1941), 134. Lilburne believed himself to be in the tradition of "John Hus in Bohemia, Jerom of Prague, John Wickliff in England, the Martyrs in Queen Maryes dayes, the Hugonots or Protestants in France, the Gues in the Low-Countrys: all not only esteemed Hereticks by the Church, but rebels and traytors to their several States and Princes" ("The Just Defence of John Lilburne," *Tracts*, ed. Haller and Davies, p. 452). Lilburne, like Fox, "began as a proselyte of the Baptists" (*ibid.*, p. 40, and *Leveller Manifestoes of the Puritan Revolution*, ed. Don M. Wolfe [New York and London, 1944], p. 3; *George Fox, an Autobiography*, ed. Rufus M. Jones [Philadelphia, 1903–1906], I, 18).

39. The role of Cudworth and other Platonists in handing on, through Shaftesbury, an outlook on the world antagonistic to Locke's environmentalism, is described by Davis in *Problem of Slavery*, pp. 348 ff., and by Ernst Cassirer, *The Platonic Renaissance in England*, tr. James Pettegrove (Austin, Tex., 1953), especially pp. 191-95. For Rush and Jeremiah White, see the former's *Autobiography*, pp. 163-64; for Woolman and Huss, *The Journal and Essays of John Woolman*, ed. Amelia M. Gummere (New York, 1922), pp. 204-5.
40. Lincoln, *English Dissent*, p. 10.
41. *Ibid.*, p. 269. The thesis that the rights of man represented a secularization of religious rights of conscience is also argued in an almost forgotten little book, Georg Jellinek's *The Declaration of the Rights of Man and of Citizens*, tr. Max Farrand (New York, 1901).
42. Rossiter, *Seedtime*, p. 357.
43. Quoted in *Tracts*, ed. Haller and Davies, p. 42. See also Woodhouse, *Puritanism and Liberty*, pp. [71] n., [89].
44. *Declaration of Independence*, p. 34.
45. James Otis, "The Rights of the British Colonies Asserted and Proved," *Pamphlets of the American Revolution*, ed. Bernard Bailyn, (Cambridge, Mass., 1965), I, 436; Becker, *Declaration of Independence*, p. 27.
46. Rossiter, *Seedtime*, p. 357.
47. *Ibid.*, p. 359; J. Churton Collins, *Voltaire, Montesquieu and Rousseau in England* (London, 1908), p. 194.
48. [James Burgh], *An Account of the . . . Cessares* (London, 1764), p. 112 n.
49. Henri Roddier, *J-J. Rousseau en Angleterre au XVIII<sup>e</sup> Siècle* (Paris, 1950), especially Ch. 7.
50. *A Complete Collection of the Genuine Papers, Letters, Etc. in the Case of John Wilkes, Esq.* (Berlin, 1769), p. 74; "Essay on Government," *Works of Priestley*, XXII, 10; "Rights of Man," *Complete Writings of Paine*, I, 299; William Godwin, *Enquiry Concerning Political Justice*, ed. F. E. L. Priestley (Toronto, 1946), I, ix, 4 n., etc.
51. Rossiter, *Seedtime*, p. 359.
52. This and the subsequent quotations are from Cassirer's *The Question of Jean-Jacques Rousseau*, tr. and ed. Peter Gay (New York, 1954), pp. 99-118, and *Rousseau, Kant, Goethe: Two Essays* (Hamden, Conn., 1961), pp. 45-47. On the essentially religious character of Rousseau's social philosophy, see also the summary of Lester G. Crocker: "Both his unshakable religious emotions and his increasing opposition to the entire direction of the philosophy of the encyclopedists led Rousseau to a firm belief in God's direct, continuing providence" (*An Age of Crisis: Man and World in Eighteenth Century French Thought* [Baltimore, 1959], p. 32).
53. *Papers*, ed. Boyd, I, 134.
54. Wolin, *Politics and Vision*, p. 297.
55. "The Reasonableness of Christianity," quoted in Strauss, *Natural Right and History*, p. 225.

56. "The Commonwealth of Oceana," *The Political Writings of James Harrington*, ed. Charles Blitzer (New York, 1955), p. 135.
57. Quoted in H. R. Fox Bourne, *The Life of John Locke* (London, 1876), II, 378, 383, 384. See also Locke's "Some Considerations of the Consequences of the Lowering of Interest . . ." (1691): "the labourers, living generally but from hand to mouth . . . may well enough carry on their part, if they have but money enough to buy victuals, cloaths, and tools" (*The Works of John Locke in Four Volumes* [London, 1768], II, 16).
58. J. G. A. Pocock, "Machiavelli, Harrington, and English Political Ideologies in the Eighteenth Century," *William and Mary Quarterly*, 3rd ser., XXII (1965), 575.
59. Burgh, *Dignity of Human Nature*, p. 178.
60. "Lectures on History and General Policy," *Works*, XXIV, 23 and n.
61. *The Speeches of John Wilkes* (London, 1777), I, 107.
62. James Burgh, *Political Disquisitions* (London, 1774), I, 37.
63. Cartwright, *Legislative Rights*, pp. 67-68.
64. Edmund Burke, *Reflections on the Revolution in France* (London, 1790), pp. 115, 72-73.
65. "Rights of Man, Part Second," *Complete Writings*, I, 368.
66. Priestley's assertion in 1768 that "the human species . . . is capable of . . . unbounded improvement" and that the "progress of the species [is] towards perfection" ("Essay on Government," *Works*, XXII, 8) has often been considered the first expression of perfectionism in Anglo-American political philosophy.
67. Price, *Additional Observations on the Nature and Value of Civil Liberty*, 3d ed. (London, 1777), p. 22; "A Serious Address to the People of Pennsylvania on the Present Situation of Their Affairs," *Complete Writings of Paine*, II, 285.
68. Price, *The Evidence for a Future Period of Improvement in the State of Mankind* (London, 1787), p. 51 n.
69. John Cartwright, *American Independence the Interest and Glory of Great Britain* (Philadelphia, 1776 [1st ed. London, 1774]), pp. 32-33.

## **CERTAIN INALIENABLE RIGHTS**

After asserting the self-evident truth that all men are created equal, the preamble to the Declaration added that they have certain inalienable rights that governments are created “to secure.” What was striking about this formulation was its failure to mention rights given up in the process.

Traditional formulations of the social contract, such as Locke’s, described a bargain: the exchange of certain rights fully enjoyed by individuals in the state of nature (such as the right to punish criminals) for the more secure protection by society of other rights (such as the right to private property). Thus Locke distinguished natural rights which a man “wholly gives up” in entering society from those which “cease not” after the social contract. Moreover, Locke failed to make it clear whether those rights which “cease not” even in society may be exercised by individuals at their discretion, or merely constitute (as it were) the moral stock on behalf of which authorized representatives act by proxy.<sup>1</sup>

In contrast, the rights enumerated by the Declaration are termed "inalienable." Nothing is said about other, alienable rights. Although linguistic details in a hastily drafted revolutionary manifesto should not be pushed too far, at first glance the adjective "inalienable" suggests a conflict between the social contract theory of the Declaration of Independence and that of Locke's *Second Treatise*.

My intention in saying this is not to revive the simplistic belief that the men who wrote the Declaration were "radical" in contrast to the "conservative" drafters of the United States Constitution. Many men were in both bodies. Among those most urgent for independence in 1776 who were not members of the Constitutional Convention in 1787, some (such as Patrick Henry and Richard Henry Lee) opposed the Constitution but others (such as Jefferson, Paine, and Sam Adams) supported it. The drafters of 1776 were the same sort of propertied gentlemen as the drafters of 1787.

What was different in 1776 was not the men but the situation. The drafters of 1776 did not yet feel the need to protect themselves against unpropertied majorities. As Lefebvre says of those who wrote the French Declaration of the Rights of Man and Citizen:

The bourgeoisie had no doubts of itself, nor did it doubt that the new order it had conceived, in accord with the laws of nature and the divine will, was destined forever to assure the welfare and progress of the human race. . . . The bourgeoisie expressed its thought in less measured and prudent language than it used later, since it did not foresee that its own political ascendancy would ever be questioned. . . . Thanks to the superb confidence of the bourgeoisie, its Declaration could become a charter of political and even social democracy.<sup>2</sup>

Within ten years of 1776, as will appear in the next chapter, men like James Madison and John Adams made exactly the same analysis of their failure to include in the Declaration of Independence explicit protection for property rights. The importance of their failure to do so was that it left the Declaration sufficiently ambiguous that, once the coalition which produced it had disintegrated, the more radical elements in that coalition could still stretch Jefferson's language to cover

their new needs. Becker is misleading when he states that the Declaration exhibited "simplicity, clarity, logical order" because the age which wrote it did not doubt that the universe itself was "simply constructed, open and visible."<sup>3</sup> Owing to its failure to qualify or explain the adjective "inalienable" the Declaration could be interpreted in two quite different ways.

If rights were viewed as property, then inalienability might mean only that a man must consent to what is done with them. Pitt used the term in this sense when, moving the withdrawal of British troops from Boston in 1775, he asserted that a British subject's property was "invariably inalienable, without his own consent."<sup>4</sup> Inalienability thus defined did not exclude the permanent transfer of a right from original owner to a delegated purchaser or donee. David Brion Davis comments that

as Rousseau shrewdly observed, Pufendorf had argued that a man might alienate his liberty just as he transferred his property by contract; and Grotius had said that since individuals could alienate their liberty by becoming slaves, a whole people could do the same, and become the subjects of a king.

"Here, then," Davis concludes, "was the fatal flaw in the traditional theories of natural rights."<sup>5</sup>

The consequences were quite different if inalienability was defined by analogy to conscience. Liberty of conscience, wrote Francis Hutcheson in his *System of Moral Philosophy*, "is not only an essential but an unalienable branch" of natural liberty. "This right appears from the very constitution of the rational mind which can assent or dissent solely according to the evidence presented, and naturally desires knowledge. The same considerations shew this right to be unalienable: it cannot be subject to the will of another. . . ."<sup>6</sup> When rights were termed "unalienable" in this sense, it did not mean that they could not be transferred without consent, but that their nature made them untransferrable.

This was a proposition peculiarly congenial to Dissenting radicalism. For it freedom of conscience was inseparable from moral agency. When this conception was transferred to the secular sphere, conflict was inevitable between inalienability

thus defined and any understanding of rights which stressed their surrender when men joined society or which regarded them as powers not personally exercised but delegated to trustees.

The institutional foundations of bourgeois society—representative government and the market economy—were at stake in this debate. Radicalism thrust toward the conclusions that true freedom was incapable of delegation, and that what was inalienable was what could not become a commodity. At heart the controversy was between two definitions of freedom: on the one hand, freedom defined as control over the finished products of human activity; on the other hand, freedom defined as self-determining human activity itself.

## I

As in the 1960s, radical definitions of "inalienability" evolved from polemics concerning the corruptions of an affluent society. Similar, too, was the fact that discussion at first focused upon the connection between the loss of public spirit believed to follow from excessive preoccupation with material goals, and the institution of education. Then as now, some favored using the schools to indoctrinate prescribed nonmaterialist values. Others, in the one situation as in the other, considered this remedy a symptom of the underlying problem, and in the ensuing controversy first clearly defined what they meant by freedom.

Even before 1750, for example, James Burgh was warning England against "LUXURY and IRRELIGION" in a volume entitled *Britain's Remembrancer*. Burgh predicted that these "characteristic Vices of the Age" would bring Great Britain to the same melancholy end as Rome.<sup>7</sup> Manners, he repeated in his *Political Disquisitions* on the eve of the American Revolution, were more important than laws in determining a people's fate. When commerce had led to luxury, and luxury to bribery and dissipation, the best of lawgivers could not long preserve freedom.<sup>8</sup>

What then was to be done? Burgh's *An Account of the Cæsars* sketched a society every feature of which was designed

to forestall the prophecy of *Britain's Remembrancer*. Drawing lessons from Harrington and Plato, the Cessareans (Dutch settlers somewhere in South America) divided their land equally so as to "banish riches as well as poverty," and deliberately chose for settlement "a distant and retired country, out of the common course of trade"; for

though some commerce with other nations would be attended with several advantages to us, yet we were afraid it would be productive of some unhappy consequences, and bring in luxury, and customs injurious to the welfare of our state.<sup>9</sup>

Lest iniquity creep in regardless, the Cessarean senate was enjoined "to establish sumptuary laws, and carefully to guard against the first introduction of all sorts of luxury: and to prohibit all those arts and trades, which minister only to idleness and pride, and the unnecessary refinements and embellishments of life, which are the certain fore-runners of the ruin of every state."<sup>10</sup>

The overall tone of this first Dissenting remedy for the ills of an affluent society is authoritarian and Calvinist. Although "all men are here considered as brethren, united together in one band, to promote the common good," the Cessareans preferred the "mixt form" of government to "the anarchy, licentiousness, and wild tumults of a democracy." Geneva is repeatedly praised, as are Sparta and the empire of the Incas. The hereditary governor and senate for life of the Cessareans are associated with a species of official called "inspectors," who oversee morals. Horse racing and cockfighting are forbidden, as are usury and interest (except by permission of the senate); honest debtors have their debts "discharged out of the public stock"; dueling is punished by a year's imprisonment and temporary loss of citizenship; also—a radical proposal in eighteenth-century England—all are free to hunt wild animals, birds, and fish. Mocking or affronting, spreading lies or false reports, are variously punished, and "all immoral and obscene books, prints, pictures, etc., are ordered to be burnt" (here the practice of the Spartans is once more cited). Swearing is fined, plural officeholding forbidden, and all prices fixed by the senate. Prisoners must be set to work and minor offenders



placed in "bettering houses," modeled on Dutch "houses of correction." Cards, dice, and (with Rousseau) drama are outlawed; Catholics may not hold public office; voting is by ballot and all men of good behavior over twenty-one, if they are Protestants, may vote. Finally: "Since we are all brethren, and God has given to men a natural right to liberty, we allow of no slavery among us."<sup>11</sup>

There were Dissenters, and later, nineteenth-century Evangelicals, who long continued to make social blueprints on this nastily puritanical plan. In 1787, for instance, Granville Sharp designed a real Utopia for freed Negroes in Sierra Leone. His "temporary regulations (until better shall be proposed)" included a seventy-one-hour work week and a pride and indolence tax on those who did not work. Like Burgh, Sharp had a plan for mutual supervision within families and neighborhoods. Among the imaginary Cessareans, the head of every family was responsible for the behavior of all its members, and "all the families in every town or parish are answerable for the faults or crimes of every person in it." Among the unfortunate settlers of Sierra Leone, "the eye of every neighbour" was upon every other through the institution of the Anglo-Saxon frankpledge system, which Sharp, according to his biographer, believed to have been invented by Moses on the advice of his father-in-law Jethro and introduced into England by King Alfred.<sup>12</sup>

This was a stream of thought which hardly led toward liberty, Lockean or otherwise. A more fruitful initiative, but in response to the same problem which Burgh tried to solve, was Joseph Priestley's *Remarks on a Code of Education, Proposed by Dr. Brown . . .*, published the year after *An Account of the Cessares*, in 1765. Three years later, in 1768, Priestley expanded it into the first Dissenting treatise on political philosophy.

Priestley's 1765 essay on education answered a pamphlet on *Civil Liberty, or Licentiousness, and Faction*, published earlier in that year of the Stamp Act Congress by an Anglican minister named John Brown. Brown was the famous author of *An Estimate of the Manners and Principles of the Times*,

published 1757-1758, which had presented an analysis similar to Burgh's of the "*vain, luxurious, and selfish EFFEMINACY*"<sup>13</sup> in English society. Like Burgh's too was Brown's prescription for the social patient. But unlike Burgh, the more sophisticated Brown articulated the authoritarian remedy he proposed in the language of political philosophy.

Civil liberty, argued Brown in his pamphlet by that title, derives from the "*salutary Restraint*" which society places on natural desires. "Every natural Desire, which might in any respect be inconsistent with the general Weal, is given up as a voluntary Tax, paid for the higher, more lasting, and more important *Benefits*, which we reap from *social Life*." In this metaphor of the tax Brown well expressed the idea of natural rights as property which can be aliened in exchange for an equivalent return. And at this point in his argument Brown explicitly attacked "Cato's" most radical assertion: "that every Man hath an unalienable Right to worship God in that *Manner* which accords to the Dictates of his own Conscience," as also "*to think what he will, and act as he thinks, provided he acts not to the Prejudice of another.*"<sup>14</sup>

Taking his own stand on the environmental psychology which held that culture determined personality and values, Brown rejected the proposition that "natural Conscience" recognized "*an unchangeable Principle of Right and Wrong, arising universally in the Human Heart.*" Conscience would and should be guided by whatever religion the state prescribed. A free state was not a state in which men were free, but a state in which virtuous manners and principles predominated. Carefully noting the objection that what he wished was "building civil Liberty on the *Servitude* of the *Mind*, and shackling the infant Soul with *early Prejudice*," Brown rebutted that to fail to teach a child "*salutary Habits and Principles*" would be like failing to teach a child to walk erect; that the mind cannot be compelled to receive ideas, therefore offering good ones for its consideration would not coerce it; and that in any case true freedom was to be wise. Hence, then, it appeared "that the private Freedom of the infant Mind is not *violated*, but only *directed* to its *best End*, by early and salutary Instruction."

After extended reference to Sparta, Brown concluded that, besides curbing the licentiousness of the press, the state should introduce "a general and prescribed Improvement of the Laws of Education."<sup>15</sup>

Compulsory public education, as proposed by Brown, posed a challenge direct both to Priestley's libertarian convictions and to (so Priestley said) "all my labours"<sup>16</sup> as a schoolmaster at the Dissenters' Warrington Academy.

Priestley accepted the gist of Burgh's and Brown's critique of existing English society, but in keeping with his faith in man's perfectibility, he thought the way to change it was by more freedom, not less. Education was a young art, and any craft in its beginnings required "experiments" and "a number of awkward attempts." The best plan of education at any given moment became confining as the arts and sciences advanced. Priestley did not fear Brown's favorite term of opprobrium, "licentiousness":

. . . we can never expect to see human nature . . . brought to perfection, but in consequence of indulging unbounded liberty, and even caprice. . . . The power of nature in producing plants cannot be shown to advantage, but in all possible circumstances of culture. The richest colours, the most fragrant scents, and the most exquisite flavours, which our present gardens and orchards exhibit, would never have been known, if florists and gardeners had been confined in the processes of cultivation; nay if they had not been allowed the utmost licentiousness of fancy in the exercise of their arts.

The "casual experiment," the "undesigned deviation from established rules," the "new, and seemingly irregular methods," the "odd and excentric," had over and over again been fruitful of new truth.<sup>17</sup> (This passage should give pause to those who identify Dissenters in general and Priestley in particular with dry and uniform utilitarianism, with Sabbath gloom and counting-house morality.)

Variety was good for its own sake, Priestley maintained. To seek to create a society with uniform sentiments would be to wish an environment better suited to animals than men. Let us, Priestley cried, "assert the native freedom of our souls,"

"aspire to the noble privilege of governing ourselves like men," "relax the bonds of authority, rather than bind them faster."<sup>18</sup>

Priestley's refutation of Brown centered on the price Brown had to pay for his accommodation to the psychology of Locke. By insisting on the distinction between vice and virtue while at the same time clinging to the Lockean assumption that our ideas of vice and virtue derive from our environment, Brown sets the stage for a godly totalitarianism: a state which will manipulate the environment and dictate public education to ensure that its citizens are good. The essential difference between Brown and Priestley is that the tradition which passes from Priestley through Paine and Godwin to Garrison and Thoreau insists that men can and must *free themselves*, rather than *be freed* by the external manipulation of educators and planners.

Then Priestley begins the translation of these sentiments into political philosophy. The right to educate one's children is as dear to any parent as the right of conscience, and "if there be any natural rights which ought not to be sacrificed to the ends of civil society," freedom of education is one of them. Priestley states that he would choose to emigrate from a country which required so great a sacrifice, wryly noting that restriction on freedom of travel is necessarily another part of Brown's "scheme." Under Brown's administration, Priestley charges, "a man could enjoy little more than security in the bare possession of his property."<sup>19</sup>

Priestley's 1765 *Remarks on a Code of Education* became Chapter IV of the 1768 *Essay on the First Principles of Government*, written, according to Priestley's preface, to discuss "the subject of Civil and Religious Liberty" without particular reference to Dr. Brown, and to place "the foundation of some of the most valuable interests of mankind on a broader and firmer basis than Mr. Locke and others who had formerly written upon this subject."<sup>20</sup>

Unlike Locke, Priestley begins with freedom of the mind; his first sentence reads: "Man derives two capital advantages from the superiority of his intellectual powers." And this con-

cern leads on to the key distinction in the essay, between "political liberty" and "civil liberty." Here are Priestley's definitions:

POLITICAL LIBERTY, I would say, *consists in the power which the members of the state reserve to themselves, of arriving at the public offices, or, at least, of having votes in the nomination of those who fill them:* and I would choose to call CIVIL LIBERTY, *that power over their own actions, which the members of the state reserve to themselves, and which their officers must not infringe.*

Relating this distinction to the process of social contract as described by Locke, Priestley states that "political liberty" is that which a man receives in exchange for a part of his original "civil liberty." Nevertheless—and this is where Priestley goes beyond Locke—some kinds of civil liberty, complete personal freedom in certain areas of life, remain in full force in the midst of society. Political liberty concerns the form in which the power of the state is exerted; civil liberty is a question of how much power the state, however organized, exerts over individual lives. The task of political liberty is to safeguard civil liberty, but the most democratic state will threaten civil liberty if its power is too great.<sup>21</sup>

With respect to political liberty, natural rights are residually or conditionally inalienable. That is, "no man can be supposed to resign his natural liberty, but on *conditions*," and if the conditions are violated the liberty may be resumed. "Every man retains, and can never be deprived of his natural right . . . of relieving himself from . . . every thing that has been imposed upon him without his own consent; this must be the only true and proper foundation of all the governments subsisting in the world, and that to which the people who compose them have an unalienable right to bring them back." On the other hand, men may by their own consent voluntarily surrender all their political interests, and in that case there is no recourse except to the next generation.<sup>22</sup>

But with respect to civil liberty (here Priestley warmed to his main theme), natural rights are either enjoyed or surrendered, and are in this sense absolute. How much civil liberty

exists in a particular state can be measured by "whether a people enjoy more or fewer of their natural rights," or alternatively, by whether the government "leave a man the most valuable of his private rights." Civil liberty has been greatly impaired, says Priestley, by the idea that "the more the cases are in which mankind are governed by this united reason of the whole community, so much the better; whereas, in truth, the greater part of human actions are of such a nature, that more inconvenience would follow from their being fixed by laws, than from their being left to every man's arbitrary will." Men enter society only to procure those things which they cannot procure by their own unaided efforts. In finding out truth, for instance, "individuals are always employed to assist multitudes," not the reverse. Whether public officials be considered in the light of servants or of representatives and deputies, "there are many cases in which it is more convenient for a man to act *in person* than by any deputation whatever."<sup>23</sup>

At this point Priestley might seem to have said that those natural rights which individuals can exercise without assistance, such as religion and education, are absolutely inalienable. He does not quite do so. Such rights are absolute in the sense that unlike those civil rights which can be delegated, they cannot be conditionally relinquished, or merely residually possessed. But Priestley was uncertain whether to articulate this circumstance merely as a fact of nature, or as a right of nature too. At the same time that he wished to widen the area in which individuals might act without government interference, Priestley attempted to make the language of political philosophy more utilitarian: that is, to establish that "the good and happiness of the . . . majority of the members of any state, is the great standard by which every thing relating to that state must finally be determined."<sup>24</sup> But the good of the whole (as Priestley alternatively termed it) is concededly difficult to determine. Only experiments, Priestley concluded, can determine how far the power of the legislature should extend.

The *Essay on the First Principles of Government* thus simultaneously prophesied a laissez-faire society and the pragmatic

welfare state. Because it looked both ways it has been forgotten. In its own time, however, the attempt to systematize the Dissenting revision of Locke made the *Essay* an important halfway house, or stepping-stone. As will appear, Price built on it in constructing the definitive statement of Dissenting political philosophy during the first years of the American Revolution. Moreover, the distinction between what Priestley called "political" and "civil" liberty proved lasting. Writing to Jefferson in 1788 and apparently summarizing a series of conversations between them, Tom Paine used different words to separate the rights of man into the same two groups. Paine listed as "natural" rights only those most closely akin to conscience which the individual could exercise unaided: the rights "of thinking, speaking, forming and giving opinions."<sup>25</sup> An alternative formulation was provided by the New Hampshire constitution of 1784: "When men enter into a state of society, they surrender up some of their natural rights to that society, in order to insure the protection of others; and, without such an equivalent, the surrender is void. Among the natural rights, some are in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the RIGHTS OF CONSCIENCE."

Whatever the terminology, the effect of these new distinctions was to delineate a category of natural rights which "ceased not" when men entered society in the very tangible sense that each individual continued to exercise them personally at all times.

## II

The statesmanship of the American Revolution, however, tended to reserve absolute inalienability for the life of the mind (or even more narrowly, for religious conscience), and to leave actions of every kind subject to state regulation. This becomes evident if one examines the bills of rights to the constitutions created by all but two of the thirteen original states. Here one finds the adjective "inalienable" repeatedly applied to two kinds of rights: the right of conscience and the right of revolution.

"All men," said the 1776 constitutions of North Carolina and Pennsylvania, "have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences." But while almost every constitution provided for religious freedom, almost every provision was coupled with a clause protecting the state from disturbance undertaken in the name of religion: "... *Provided*, That nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses, from legal trial and punishment" (North Carolina); "... unless, under colour of religion, any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others, in their natural, civil, or religious rights" (Maryland); "... *Provided*, That the liberty of conscience, hereby granted, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State" (New York); "... provided it be not repugnant to the peace and safety of the State" (Georgia); "... provided he doth not disturb the public peace" (Massachusetts).

The inalienable right to revolution, on the other hand, was available only to majorities. It was "the people" (Maryland and Massachusetts), "the community" (Pennsylvania), more precisely "a majority of the community" (Virginia) which alone could alter, reform, or abolish government. The literature of the Revolution, as Thad Tate has written, "described resistance as a right exercised only by decision of the community, never on the initiative of individuals."<sup>26</sup>

Both definitions of inalienability severely limited the individual's scope of action. For some Dissenting radicals, however, individual self-determination had become the very definition of freedom. Richard Price, in particular, challenged the Lockean assumptions of the state (as later of the federal) constitutions.

Price believed that man was not only capable of intuitively telling good from evil, but that he had free will to choose how to act. Speaking to an audience of children in 1766, Price voiced his doctrine in the simplest terms. "Every one knows," so he told his young audience, that the soul is active. "Every



one feels that he has a power of self-motion, that he can begin action or cease from action as he pleases, and that he has an absolute command over his thoughts and determinations."<sup>27</sup>

The principle of what he termed "Spontaneity . . . Self-determination, which constitutes us Agents" became the basis of Price's political thought. In his *Observations on the Nature of Civil Liberty*, the principal English defense of the American Revolution, Price argued that physical, moral, religious, and civil liberty were all aspects of "liberty in general," linked together by "one general idea, that runs through them all; I mean, the idea of *Self-direction . . . Self-government*." Liberty, "natural and unalienable," was therefore the opposite of slavery, or submission to forces outside oneself:

Without *Physical Liberty*, man would be a machine acted upon by mechanical springs, having no principle of motion in himself, or command over events; and, therefore, incapable of all merit and demerit.—Without *Moral Liberty*, he is a wicked and detestable being, subject to the tyranny of base lusts, and the sport of every vile appetite.—And without *Religious and Civil Liberty* he is a poor and abject animal, without rights, without property, and without a conscience, bending his neck to the yoke, and crouching to the will of every silly creature who has the insolence to pretend to authority over him.<sup>28</sup>

The consequences of this position for Americans were largely reserved for the nineteenth century. Then it turned out to make considerable difference whether one said slavery was wrong because every man has a natural right to the possession of his own body, or because every man has a natural right freely to determine his own destiny. The first kind of right was alienable: thus Locke neatly derived slavery from capture in war, whereby a man forfeited his labor to the conqueror who might lawfully have killed him;<sup>29</sup> and thus Dred Scott was judged permanently to have given up his freedom. But the second kind of right, what Price called "that power of self-determination which all agents, as such, possess,"<sup>30</sup> was inalienable as long as man remained man. Like the mind's quest for religious truth from which it was derived, self-determination was not a claim to ownership which might be

both acquired and surrendered, but an inextricable aspect of the activity of being human.

Under heavy attack for his defiant criticism of his own government in time of war, Price insisted that his principles were "the same with those taught by Mr. Locke, and all the writers on Civil Liberty who have been hitherto most admired in this country."<sup>31</sup> But as Anthony Lincoln says, Price differed from Locke "in certain cardinal aspects: in his psychological beliefs and in the purpose of his work"; if in expressing his philosophy "he sometimes fell into the prevailing terminology of property, it was because he felt that moral self-determination was the most precious property a man could possess."<sup>32</sup>

Where Price went beyond Locke most obviously was in his extension of Priestley's concept that the individual retains some natural rights when in society, to the conclusion: "In every free state every man is his own Legislator."<sup>33</sup> This phrase, Price remarked in his subsequent *Additional Observations*, "has been much exclaimed against, and occasioned no small part of the opposition which has been made to the principles advanced in the *Observations on Civil Liberty*."<sup>34</sup>

Price responded to this criticism ambiguously. On the one hand, he said what he meant was that "every independent agent in a free state ought to have a share in the government of it." On the other hand, however, Price stated that with certain limitations he accepted the charge that the liberty for which he pleaded was "a right or power in every one to act as he likes without any restraint."<sup>35</sup>

In the characteristic manner of Dissenting thought, Price built his case on an analogy to religion. All men have "the same unalienable right" to religious liberty, he began, provided only that "no one has a right to such a use of it as shall take it from others." This reasoning "is equally applicable to the Liberty of man in his *civil* capacity," Price continued. Citing Priestley's *Essay*, Price said that it "may be accommodated to all I have said on this subject, by only giving some less general name to that which Dr. Priestley calls *civil* Liberty." In fact, however, whereas Priestley still took it for granted that, in joining society, men must "voluntarily resign

some part of their natural liberty," in Price's account the idea of the surrender of natural rights has disappeared. It was something more than a change in names that Price no longer spoke of those specific natural liberties (religion and education) which society might not infringe, but referred simply to "liberty" in general: "Just government, therefore, does not *infringe* liberty, but *establish* it.—It does not *take away* the rights of mankind, but *protect* and *confirm* them." In passages such as these Price seemed to be saying that all natural liberty is inalienable. For Price a government constructed on any other plan represented

the folly of *giving up* liberty in order to *maintain* Liberty; and, in the very act of endeavouring to secure the most valuable rights, to arm a body of enemies with power to destroy them.<sup>36</sup>

In sum, then, Dissenting political philosophy as it culminated in the *Observations* and *Additional Observations* of Richard Price shifted the burden of proof from the individual who sought to preserve control over his own actions to the state which claimed the right to regulate them. As Halévy observes, this amounted to abolishing the social contract:

. . . it may be held that men formed the original pact in order to guarantee a certain number of pre-existing natural rights. This is the sense in which Price and Cartwright tend to interpret Locke's theory. But, in this case, . . . what is the point of the mediation of the contract? When men have adopted a position of legitimate insurrection, what is the point of saying that they are rising because the contract which should have guaranteed their rights has been violated, instead of saying, more simply, that they are rising because their rights have been violated?<sup>37</sup>

It was this same conception which the Declaration reflected when it made the purpose of government "to secure these rights" and said not one syllable about rights given up. The more restricted, less ambiguous field of vision of the 1787 Constitutional Convention is evident in a comment which occurs in one of the working papers of the Committee of Detail: "we are not working on the natural rights of men not

yet gathered into society, but upon those rights, modified by society."<sup>38</sup> In contrast, writing to Francis Gilmer after his retirement from the presidency, Jefferson still declared:

Our legislators are not sufficiently apprized of the rightful limits of their power; that their true office is to declare and enforce only our natural rights and duties, and to take none of them from us. . . . The idea is quite unfounded, that on entering into society we give up any natural right.<sup>39</sup>

### III

The idea of a natural law self-evident to the common man; the idea that liberty was man's inalienable right to self-determination: these were the axioms to which abolitionism added only corollaries. Down to Civil War and Reconstruction abolitionists quoted the same natural law theoreticians cited by the Dissenters in contending, as the Dissenters had, "that an immoral law cannot be valid."<sup>40</sup> Indeed the religious fervor of abolitionism was closer in spirit to Dissenting radicalism than was the cool deistic religiosity of the Founding Fathers. For Garrison and his associates just as for Price or Priestley, the Bible provided an alternative expression of nature's truths. A century after the embroilments of John Wilkes, Thaddeus Stevens and John Bingham quoted, "Ye shall have the same law for the stranger as for one of your own country";<sup>41</sup> just as Granville Sharp had protested a law for the return of fugitive slaves with the words:

"Thou shalt not deliver unto his master the servant which is escaped from his master unto thee: He shall dwell with thee, even among you, in the place WHICH HE SHALL CHOOSE" (manifestly as a freeman) "in one of thy GATES where IT LIKETH HIM BEST: thou shalt not oppress him."<sup>42</sup>

The natural rights philosophy was championed by Dissenters until the moment abolitionists took it up. During the Missouri Compromise debates in 1819-1820, when Senator Rufus King of New York declared that laws enacting human slavery "are absolutely void, because contrary to the law of nature, which is the law of God, by which he makes his way known to man,

and is paramount to all human control," King noted that "the Senate was adjourned under much excitement created by my introduction of what was called original principles."<sup>43</sup> The revival of these far from original principles in the United States presumably was encouraged by the fact that in England as late as those same years the old Dissenting radical John Cartwright still explained in pamphlet upon pamphlet that "human rights . . . have their origin . . . and obligatory force in the immutable Law of God, who created man a moral being," and that a law at variance with this law of God was "void and of no effect."<sup>44</sup>

The transition from eighteenth-century to nineteenth-century radicalism may be illustrated by the case of William Ellery Channing.<sup>45</sup> Born in 1780, Channing grew up in Newport, Rhode Island. His grandfather signed the Declaration of Independence; George Washington once slept at the Channings' home; Channing himself was present at the Rhode Island convention which ratified the United States Constitution. The pastors of the First and Second Congregational Churches which his family attended were Samuel Hopkins, pioneer abolitionist but also the expositor of Calvinist orthodoxy, and William Patten, who in 1795 published *Christianity the True Religion* in reply to Paine's *Appeal to Reason*. At Harvard, according to his classmate Joseph Story, Channing studied Locke's essay on human understanding and Bishop Watson's apology for the Bible, which the Harvard Corporation placed in the hands of every student. As a senior Channing instigated an address supporting President John Adams in his cold war with revolutionary France. In brief, if there was a conservative influence which failed to influence Channing's youth, it is not recorded.

But while at Harvard he chanced on Richard Price's *Review of Morals*. "Price," he wrote two years before his death, "saved me from Locke's philosophy. He gave me the doctrine of ideas, and during my life I have written the words Love, Right, etc., with a capital. That book profoundly moulded my philosophy into the form it has always retained." Then, during two seminal years as a tutor in Richmond, Virginia,

Channing read Rousseau and Godwin. His emergent radicalism, as he expounded it in letters to friends from Virginia, contained three cardinal ideas:

1. "I am convinced that virtue and benevolence are *natural* to man," for the "principle of benevolence, sympathy, or humanity is . . . *strongly impressed on the heart by God himself.*"

2. "You evidently go upon the supposition," Channing wrote to one of his correspondents, "that the circumstances of our lives are decided by Heaven. I believe they are decided by ourselves. Man is the artificer of his own fortune."

3. "I find *avarice* the great bar to all my schemes, and I do not hesitate to assert that the human race will never be happier than at present till the establishment of a community of property."

Having thus enunciated the characteristic Dissenting axioms of the natural goodness of man and of free will, and (in an extreme form) the equally characteristic corollary that human rights come before property rights, the young prophet ended: "My dear Shaw, I fear you will say I am crazy. No, no,—"

## NOTES

1. Locke's lack of concern to safeguard the rights of individuals once they have entered society is emphasized by Willmoore Kendall, *John Locke and the Doctrine of Majority-Rule* (Urbana, Ill., 1941) and C. B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford, 1962).
2. Georges Lefebvre, *The Coming of the French Revolution*, tr. Robert R. Palmer (New York, 1947), pp. 177-78, 180, 181.
3. *Declaration of Independence*, preface to the 1942 edition, pp. xiii-xiv.
4. Quoted in J. W. Gough, *Fundamental Law in English Constitutional History* (Oxford, 1955), p. 195.
5. Davis, *Problem of Slavery*, p. 413.
6. Francis Hutcheson, *A System of Moral Philosophy* (London, 1755), I, 257, 295. Hutcheson first distinguished alienable from inalienable rights in *An Inquiry into the Original of Our Ideas of Beauty and Virtue* (London, 1725), p. 261, where the "marks" of an inalienable right are said to be (a) that it is not within our natural power to transfer the right, and/or (b) that the transfer would serve no "valuable Purpose."
7. James Burgh, *Britain's Remembrancer . . . Being Some Thoughts on . . . the Effects of the Vices Which Now Prevail*, 5th ed. (London, 1746), p. 8 *et passim*.

8. *Political Disquisitions*, III, 2-3, 17, etc.
9. *Account of the Cessares*, p. 10.
10. *Ibid.*, p. 85.
11. *Ibid.*, pp. 9, 25, 33-37, 71 n., 77, 78, 80-83, 86-87. Compare the legislation recommended by Burgh in *Political Disquisitions*, III, 193.
12. *Account of the Cessares*, p. 78; Granville Sharp, *A Short Sketch of the Temporary Regulations (Until Better Shall Be Proposed) for the Intended Settlement . . . near Sierra Leone*, 3d ed. (London, 1788), pp. 1-2, 15-19, 21, 69, 73; E. C. P. Lascelles, *Granville Sharp and the Freedom of the Slaves in England* (London, 1928), pp. 13-14.
13. John Brown, *An Estimate of the Manners and Principles of the Times* (London, 1757, 1758), I, 29.
14. [John Brown], *Thoughts on Civil Liberty, or Licentiousness, and Faction*, 2d ed. (London, 1765), pp. 13, 19.
15. *Ibid.*, pp. 33, 36-41, 153-60.
16. Joseph Priestley, *An Essay on a Course of Liberal Education for Civil and Active Life . . . to Which Are Added, Remarks on a Code of Education, Proposed by Dr. Brown, in a Late Treatise, Intituled, Thoughts on Civil Liberty, Etc.* (London, 1765), p. 138.
17. *Ibid.*, pp. 144, 146-47, 147-48.
18. *Ibid.*, pp. 149-51.
19. *Ibid.*, pp. 154-55, 173.
20. "Essay on Government," *Works*, XXII, 3.
21. *Ibid.*, XXII, 8, 11-12.
22. *Ibid.*, XXII, 27, 12-13.
23. *Ibid.*, XXII, 29-32.
24. *Ibid.*, XXII, 13.
25. Paine to Jefferson, [January or February, 1788], *Papers of Jefferson*, XIII, 4-5.
26. Thad W. Tate, "The Social Contract in America, 1774-1787: Revolutionary Theory as a Conservative Instrument," *William and Mary Quarterly*, 3d ser., XXII (1965), 378.
27. Richard Price, *The Nature and Dignity of the Human Soul* (London, 1766), p. 4. There may be a connection between Priestley's somewhat less absolute insistence on individual liberties and the fact that, in contrast to Price, he was a philosophical determinist; the two friends debated the matter in *A Free Discussion of the Doctrines of Materialism, and Philosophical Necessity, in a Correspondence Between Dr. Price and Dr. Priestley* (London, 1778). It is also of some interest that Anthony Collins (1676-1729), from whom Priestley said that he first learned of philosophical materialism and who inspired the youthful Franklin's *Dissertation on Liberty and Necessity, Pleasure and Pain* (London, 1725), is thought to have been a collaborator of Trenchard and Gordon, who were attacked for their determinism in John Jackson, *A Defense of Human Liberty, in Answer to the Principal Arguments Which Have Been Alleged Against It; and Particularly to Cato's Letters on That Subject . . .* (London, 1725).
28. Richard Price, *Observations on the Nature of Civil Liberty, The*

- Principles of Government, and the Justice and Policy of the War with America*, 8th ed. (London, 1778), pp. 1-3, 5-6.
29. *Second Treatise*, Sections 22-24. Leslie Stephen comments: "Locke could reconcile slavery to his theories; Rousseau declares that the words 'slavery' and 'right' are contradictory and mutually exclusive" (*History of English Thought in the Eighteenth Century*, 3d ed. of 1902 [reprinted New York, 1949], II, 192).
  30. Price, *Additional Observations*, p. 2.
  31. Preface to *Observations*, 5th ed.
  32. Lincoln, *English Dissent*, pp. 114-15. Price's work, as Lincoln adds, "reveals the extent to which the theories of Locke had become a technique, a political text capable of sustaining any gloss, and yet certain, from its familiarity, to excite attention" (*ibid.*, p. 148).
  33. *Observations*, p. 6.
  34. *Additional Observations*, p. 10.
  35. *Ibid.*, pp. 10, 10-11.
  36. *Ibid.*, pp. 11-13, 14 n., 17. The quotation from Priestley is in "Essay on Government," *Works*, XXII, 10; see also *ibid.*, XXII, 12: "It is a man's civil liberty which is originally in its full force, and part of which he sacrifices when he enters into a state of society; and political liberty is that which he may, or may not acquire in the compensation he receives for it."
  37. Élie Halévy, *The Growth of Philosophical Radicalism*, tr. Mary Morris (London, 1928), p. 138.
  38. *The Records of the Federal Convention of 1787*, ed. Max Farrand (New Haven, London, Oxford, 1911), II, 137.
  39. Thomas Jefferson to Francis W. Gilmer, June 7, 1816, *The Writings of Thomas Jefferson*, ed. Paul L. Ford (New York and London, 1899) X, 32.
  40. "The Fugitive Slave Law," *The Complete Essays and Other Writings of Ralph Waldo Emerson*, ed. Brooks Atkinson (New York, 1940), p. 866. "Cicero, Grotius, Coke, Blackstone, Burlamaqui, Vattel, Burke, Jefferson, do all affirm this," Emerson stated.
  41. Bingham is quoted in *Congressional Globe*, 39th Cong., 1st Sess., p. 1292; Stevens' speech of September 4, 1866, at Bedford, Pennsylvania, is quoted from a manuscript in Stevens' papers in W. R. Brock, *An American Crisis: Congress and Reconstruction, 1865-1867* (London, 1963), p. 150.
  42. Granville Sharp, *Extract of a Letter to a Gentleman in Maryland . . .*, 4th ed. (London, 1806), pp. 3-4.
  43. Rufus King to Christopher Gore, February 17, 1820, *The Life and Correspondence of Rufus King*, ed. Charles R. King (New York, 1900), VI, 276-77 and n.
  44. Major [John] Cartwright, *New Preamble and Explanatory Table of Contents, of a Bill of Rights and Liberties* (London, 1819), p. 5.
  45. John W. Chadwick, *William Ellery Channing: Minister of Religion* (New York and Boston, 1903), pp. 42-43; *Memoirs of William Ellery Channing*, 5th ed. (Boston, 1851), especially I, 102, 109-15.



# II



PRAXIS

**THE  
EARTH  
BELONGS  
TO  
THE  
LIVING**

The latent tension within the natural rights philosophy of the Declaration of Independence between an outlook on society based on property and a contrasting perspective built on conscience, or on self-determining human activity, could not long be avoided. It was symbolic that the year of the Declaration also witnessed the publication of *The Wealth of Nations*, which developed the idea of inalienable liberty in the direction of laissez-faire liberalism, and of the Newcastle address of Thomas Spence, which held that "the power of alienating the least morsel [of land], in any manner, from the parish, either at this or any time hereafter, is denied."<sup>1</sup>

The ambiguity of the Declaration reflected the composite character of the Revolution as a social movement. Both capitalist and democratic, the Revolution drew support from many social groups: Southern slaveholders as well as Northern merchants, poor tenant farmers and artisans as well as men of wealth. The Revolution's manifesto had to speak to and for all of them. The Declaration could no more counterpose prop-

erty rights and human rights than its framers could permit their coalition around the single goal of independence to degenerate into a squabble between North and South. When Jefferson's draft attacked the slave trade as oppressive to the "sacred rights of life and liberty" (not property) of "human nature itself," the passage was excised. But after the Revolution, still more after the adoption of the Constitution, the contradictions within the coalition became visible and the ambiguities in the ideology had to be confronted.

The most precise formulation of the relation between human rights and property rights in the Declaration of Independence was suggested by James Madison. Writing to James Brown of Kentucky in 1788, Madison said that at the beginning of the Revolution "the two classes of rights were so little discriminated, that a provision for the rights of persons was supposed to include of itself those of property; and it was natural to infer, from the tendency of republican laws, that these different interests would be more and more identified." But experience had shown, Madison continued, that "in all populous countries the smaller part only can be interested in preserving the rights of property." He went on to recommend the creation of a separate legislative chamber, elected by property holders only, to protect property rights.<sup>2</sup>

Radical Dissenters, who had done so much to formulate the axioms of the Revolution's natural rights philosophy, helped also to clarify a corollary argument opposed to Madison's. John Adams blamed advocacy of unicameral legislatures on the lamentable fact that

my countrymen were running wild and into danger from a too ardent and inconsiderate pursuit of erroneous opinions of government which have been propagated among them by some of their ill-informed favorites and by various writings which were very popular among them, such as the pamphlet called *Common Sense*, for one example among many others, particularly Mrs. Macaulay's *History*, Mr. Burgh's *Political Disquisitions*, Mr. Turgot's *Letters*.<sup>3</sup>

From the dialogue alluded to by Adams developed Jefferson's critique of inheritance and Thoreau's attack on alienated

labor. These Americans did not carry the economic argument to the conclusions of Karl Marx, but by taking many of the same first steps they opened up new possibilities for the criticism of private property's political companion, the bourgeois nation-state.

## I

Despite Bernard Bailyn's assertion that the Dissenters did not advocate "social or economic reforms" and were not concerned "to recast the social order nor with the problems of economic inequality and the injustices of stratified societies,"<sup>4</sup> Dissenting radicalism raised awkward questions about the absolute right of private property from its first pamphlet to its last. James Burgh, for example, protested in 1749 that common opinion does not condemn those who get rich "by grinding the face of the poor," but shames those who are "poor for want of impudence to elbow mankind, or through too much narrowness of conscience, or too much largeness of heart"; held in 1754 that "the general consent of society, or the law of the country, in which a person lives, may, for wise and generally beneficial purposes, render property, otherwise rightful, not tenable; and may make all things common"; and maintained in 1756 that "all above the Conveniencies of Life is absolutely useless."<sup>5</sup>

There were three key Dissenting arguments against the right to unlimited accumulation justified by Locke's *Second Treatise* and taken for granted by the "commonwealthmen" of the early eighteenth century. The first was the ancient conception that the earth was given by God, its ultimate owner, to mankind in common: or as the American Quaker John Woolman put it, that "the Creator of the earth is the owner of it."<sup>6</sup> The second argument, congenial to Nonconformist asceticism, was that a man has a right only to that property which he requires for his subsistence. Thus Franklin observed to (of all people) the financier Robert Morris: "All the Property that is necessary to a Man, for the Conservation of the Individual and the Propagation of the Species, is his natural Right, which none can justly deprive him of: But all

Property superfluous to such purposes is the Property of the Publick. . . .”<sup>7</sup> The third argument exposed the central contradiction in the thought of Locke and was the basis of all Jefferson’s comments on this subject. It was that the inheritance of private property is rightfully just as subject to social regulation as the inheritance of political power.

The drift of the Dissenting discussion was to turn upside down Locke’s conception that property was the most absolute of rights, and that, therefore, all other rights were a kind of property. For the Dissenters conscience, and the allied intellectual rights, were absolute and inalienable, while economic arrangements were increasingly viewed by them as matters of convenience. An interesting illustration of their feeling for these matters is Granville Sharp’s discussion of what rights of the king are inalienable. The king, says Sharp, cannot sell his subjects, for “*liber homo*” is “*quasi res sacra*” who “*vendi non potest*” (the quotations were taken by Sharp from Bracton). Other rights are “inherent in the Crown, for the public good, and cannot therefore be disposed of, or alienated, viz. such as Peace, Justice, etc.” Still other rights can be alienated for a time, among them “sea-wrecks, treasures found, great fish, as whales, sturgeons, and other royal fish.” But land—mere land—can be alienated absolutely.<sup>8</sup>

Dissenting protest against the outrage of human rights in the name of property rights might take the form either of denying property rights or of insisting that human rights were just as tangible. Thus, on the one hand, Priestley contended in his *Essay on Government* that “the very idea of property . . . is founded upon a regard to the general good of the society under whose protection it is enjoyed; and nothing is properly *a man’s own*, but what general rules, which have for their object the good of the whole, give to him.” Hence “when-ever . . . riches . . . are abused, to the injury of the whole,” the citizenry may demand that they be given up.<sup>9</sup> This was also the basis of Franklin’s protest at the very end of his life against a plan to change Pennsylvania’s unicameral legislature into a conventional bicameral institution. Supposing that the rich (those owning property valued at one thousand pounds) were

no more than two percent of the total freemen, Franklin asked why they should be given a negative on the majority's will. Illustrating his argument by the familiar example of an Indian society in which "hunting is free for all," Franklin contended that the accumulation of property in such a society would be the result, not of individual effort only, but of "the Protection afforded to it by the joint Strength of the Society." And therefore, Franklin continued,

Private Property . . . is a Creature of Society, and is subject to the Calls of that Society, whenever its Necessities shall require it, even to its last Farthing; its Contributions therefore to the public Exigencies are not to be considered as conferring a Benefit on the Publick, entitling the Contributors to the Distinctions of Honour and Power, but as the Return of an Obligation previously received, or the Payment of a just Debt. The Combinations of Civil Society are not like those of a Set of Merchants, who club their Property in different Proportions for Building and Freight-ing a Ship, and may therefore have some Right to vote in the disposition of the Voyage in a greater or less Degree according to their respective Contributions; but the important ends of Civil Society, and the personal Securities of Life and Liberty, these remain the same in every Member of the society; and the poorest continues to have an equal Claim to them with the most opulent, whatever Difference Time, Chance, or Industry may occasion in their Circumstances.

"On these Considerations," Franklin concluded, he was sorry to see a disposition among some of the people of Pennsylvania "to commence an Aristocracy, by giving the Rich a predominancy in Government."<sup>10</sup>

If Franklin and Priestley turned in a direction Locke had not intended the latter's argument that the security of property requires laws and judges, so, on the other hand, some Dissenters pressed to un-Lockean ends Locke's conception of life and liberty as properties. "Every man," James Burgh contended in those *Political Disquisitions* so widely read in America, "has what may be called property, and unalienable property. Every man has a life, a personal liberty, a character, a right to his earnings, a right to a religious profession and worship according to his conscience, etc. and many men, who are in a state of dependence upon others, and who receive

charity, have wives and children in whom they have a right.”<sup>11</sup> This line of argument culminated in Shelley’s cry, in his *Philosophical View of Reform* almost half a century later, that Malthus was seeking to take from the poor even marriage, “that property which is as strictly their birthright as a gentleman’s land is his birthright.”<sup>12</sup>

Cartwright’s *Legislative Rights of the Commonalty Vindicated* (1776) exemplified the whole battery of Dissenting queries to Locke’s teaching on property. Eighteenth-century England was a society in which a ten-year-old girl might be hanged for stealing a pocket handkerchief. Thundered Cartwright: “The greater felons, who are ready at its command to destroy their country, are caressed and rewarded: but little ones, indeed, who take a purse or steal a sheep, are hanged without remorse. . . .” (Just so, in revolutionary France, Brissot argued against capital punishment for theft on the ground that only an infringement of natural rights deserved death.) There were other kinds of property, Cartwright continued, in addition to “what is vulgarly called property.” Though a man

should have neither lands nor gold, nor herds nor flocks; yet he may have parents and kindred, he may possess a wife and an offspring to be solicitous for. He hath also by birthright a property in the English constitution: which, if not unworthy of such a blessing, will be more dear to him than would be many acres of the soil without it.

Further, according to Cartwright, “those valuable members of the state by whose manual labours its very existence is preserved . . . and on which depend also the affluence, the ease, and all the elegancies of the more fortunate classes of the people,” have a right to the products of their labor. “It is certain that every man who labours with his hands, hath a property which is of importance to the state: for Mr. Locke has admirably well observed that, ‘every man has a property in his own person; the labour of his body and the work of his hands, we may say are properly his’.” Cartwright remarked that the laboring man or mechanic cannot obtain food or clothes or tools without paying sales taxes. Hence, “accord-

ing to *the received doctrine of property*," they should vote.

After all, Cartwright concluded this portion of his discussion, it is not property which constitutes freedom. "Doubtless it is the immediate gift of God to all the human species, by adding *free-will* to *rationality*." If political representation were based on "the *accident* of property," then what was represented would be property as much as men. Cartwright agreed with Beccaria that property is the means, not the end, of the social compact. The scavenger had a better right to his vote than the peer to his coronet or the king to his crown: for the latter derived from the laws of men, the former from the laws of God. Anticipating Franklin, Cartwright insisted that society was not a trading company. The one depends on property, the other on "*personality*." The one can make any artificial rule it pleases, the other rests on that civil liberty which "is a natural blessing." Therefore:

A right of being represented, every man owes to God, who gave him his freedom; but many a man owes his wealth to the devil. It ought, in that case, to give him a rope, rather than a representative.<sup>13</sup>

These ideas, like Cartwright's complementary confidence in the common man's ability to know, developed gradually among Dissenters. It should not be supposed that all Dissenting radicals were equally indignant about poverty, above all not that they were consistently so. Priestley, for instance, expressed opinions on the poor laws as ferocious as those of Locke. For most of his life, too, Priestley's political opinions were "Trinitarian": in a revision of his *Lectures on History and General Policy*, published in Philadelphia in 1803, Priestley favored an electoral college, bicameral legislatures, property and literacy qualifications for voting, and representative rather than direct democracy. Yet for a moment at the height of the French Revolution (we shall find this same phenomenon in Jefferson) Priestley's political opinions were very different from those just enumerated. In a tract published in London in 1791 and entitled *A Political Dialogue on the General Principles of Government*, Priestley argued that just as no system of checks and balances was needed in the govern-



ment of a parish or township, so a nation needed none. To Madisonian bicameralism he laid the sharpest axe of all: if private property required special protection, then private property should be abolished. In Priestley's words,

if the majority of the people understand their own interest, there can be no good reason why they should not have the power of promoting it, and that with as little obstruction and delay as possible. If the obstruction and delay arise from orders of men who have interests opposite to that of the majority of the people, such orders ought not to exist, but should be exterminated as a nuisance, necessarily operating to the diminution of public happiness.<sup>14</sup>

The views of Richard Price evolved in roughly similar fashion. His *Review of Morals*, published twenty years before the outbreak of the American Revolution, expressed conventional views toward private property. But his *Observations on the Importance of the American Revolution*, published ten years after it, contains a remarkable passage. The happiest social state, Price wrote (echoing Rousseau and indeed Locke), is the middle state between the savage and refined. There is a danger that as commerce develops it will not endure. With this in mind, Plato, More, and "Mr. Wallis" have

proposed plans, which, by establishing a community of goods and annihilating property, would make it impossible for any one member of a State to think of enslaving the rest, or to consider himself as having any interest distinct from that of his fellow-citizens. Such theories are in speculation pleasing; nor perhaps are they wholly impracticable. Some approaches to them may hereafter be made; and schemes of government may take place, which shall leave so little, besides personal merit, to be a means of distinction, as to exclude from society most of the causes of evil. But be this as it will; it is out of doubt that there is an equality in society which is essential to liberty, and which every State that would continue virtuous and happy ought as far as possible to maintain.—It is not in my power to describe the best method of doing this.<sup>15</sup>

The most significant exemplar of a progressively more radical attitude toward private property, because of his wide American readership, is Thomas Paine. *Common Sense* explicitly blamed what is wrong with the world on government,

not on property. "Oppression is often the *consequence*, but seldom or never the *means* of riches. . . . But there is another and greater distinction for which no truly natural or religious reason can be assigned, and that is the distinction of men into KINGS and SUBJECTS." Male and female, continued Paine in *Common Sense*, "are the distinctions of nature, good and bad the distinctions of heaven; but how a race of men came into the world so exalted above the rest, and distinguished like some new species, is worth inquiring into." When he wrote *Agrarian Justice* twenty years later, Paine viewed the Garden of Eden more in the manner of John Ball ("When Adam delved and Eve span/ Who was then the gentleman?"). "It is wrong to say God made *rich* and *poor*; He made only *male* and *female*; and He gave them the earth for their inheritance." Poverty, Paine now held, "exists not in the natural state." Neither did property. Therefore a landowner properly owns only the improvements he makes on a piece of land, not the land itself, and "owes to the community a *ground-rent* (for I know of no better term to express the idea)."

Paine disclaimed any desire to redivide property by an "agrarian law." For those dispossessed by "the landed monopoly" from their portion in the common inheritance of the earth, Paine asked only an indemnity. Like Jefferson, he sought to find a rectifying instrument in the process of inheritance. A heavy inheritance tax would serve to correct an unjust "system" without disturbing the individual present possessors, whom Paine considered innocent. A "national fund" would distribute fifteen pounds to each person as he reached the age of twenty-one, and ten pounds a year to every person fifty years and over, "as a compensation in part, for the loss of his or her natural inheritance, by the introduction of the system of landed property."

Despite these moderate features, *Agrarian Justice* (taken together, of course, with more sweeping proposals such as those of Spence and William Godwin) signified the end of what has been termed the political theory of possessive individualism. It insisted that because "the earth, in its natural uncultivated state was, and ever would have continued to be,

the *common property of the human race*," society owed every individual, as a matter not of charity but of justice, a livelihood no worse than would have been his in a state of nature. It recognized that "personal property" as well as land derived most of its value from society. Further, cognizant of the transition from a handicraft to an industrialized economy, Paine remarked that "the accumulation of personal property is, in many instances, the effect of paying too little for the labor that produced it; the consequence of which is that the working hand perishes in old age, and the employer abounds in affluence."

What was decisive was Paine's recognition that a civil society based on the unlimited accumulation of property was no longer untouchable. He still regarded government as the basis of society, but "a revolution in the state of civilization [the economic system] is the necessary companion of revolutions in the system of government." Throughout Europe there was a new "consciousness" that the prevailing civilization "is as unjust in its principle, as it is horrid in its effects." The "superstitious awe, the enslaving reverence, that formerly surrounded affluence, is passing away in all countries."<sup>16</sup> Rephrasing Paine's insight in the language of recent historiography, one might say that the French and American revolutions caused the erosion of "deference," not merely for aristocracy as a social estate, but for the inherited inequality of wealth which made gentlemen possible.

The intellectual transition from *Common Sense* to *Agrarian Justice* may be diagrammatically summed up as follows. In 1776, in keeping with Madison's observation in his letter to James Brown, Paine made no distinction between property and the other "natural rights" which the "hereditary right" of monarchy threatened. Paine's 1788 letter to Jefferson expressed a further distinction between the rights of the mind, "natural rights" not surrendered by the individual in society, and "civil rights" such as that "of acquiring and possessing property." In the second part of *Rights of Man*, Paine in turn divided the latter, discriminating property which resulted from a man's own labor from that engendered by unjust and "un-

natural" laws of inheritance. *Agrarian Justice* elaborated this final distinction.

Thus a subsequent controversy about forms of property lay concealed in the Revolutionary controversy about forms of government. Price and Cartwright quarreled with Burke about the nature of representation before Burke condemned Price and Paine for their views on patriotism and aristocracy at the time of the French Revolution; Paine's attack on inherited property in *Rights of Man, Part Second*, began as a response to Burke's advocacy of the inherited political rights of the aristocracy to representation in the House of Lords. Similarly John Adams, alarmed by Paine's support for unicameralism in *Common Sense* and Turgot's support for it in a letter published by Price, wrote his *Thoughts on Government and Defense of the Constitutions of America* to recommend the bicameral system. But a straight line led from bicameralism to the concept that private property was an absolute right beyond the reach of government, as from unicameralism to the Rousseauian concept that private property was a social convention at the disposal of a majority of the people. "Property, property! that is the difficulty," Adams noted as he reread *The Social Contract* when President of the United States.<sup>17</sup> It was indeed.

## II

The most important American reflection of Dissenting discussion about property was Jefferson's doctrine that the earth belongs to the living. It was in this form that the Revolutionary generation approached most nearly the socialist conception that living labor has claims superior to any property rights.

The origin of Jefferson's idea has been enveloped in considerable mystery. It was, according to Jefferson's editor Julian P. Boyd, "the one great addition to Jefferson's thought that emerged from his years of residence at the center of European intellectual ferment." But Boyd, following Adrienne Koch, thinks the immediate catalyst for Jefferson's articulation of the concept was not a Frenchman but an English physician named Richard Gem. Jefferson expressed the idea

that "the earth belongs in usufruct to the living" in a letter to Madison written September 6, 1789, during a week's illness in the midst of the great National Assembly debates about the Declaration of the Rights of Man and the confiscation of feudal privileges. Gem attended Jefferson in his illness, Jefferson placed his letter to Madison in Gem's hands, and undated communications between the two very strongly suggest that Jefferson's letter was preceded and followed by Gem-Jefferson conversations on the same subject.<sup>18</sup>

Although little is known about him, Gem evidently exemplified the close relationship between English Dissenters and French *philosophes*. An Englishman with (in the words of a contemporary) an "openly-avowed penchant to unitarianism," and (so Boyd says) "an ardent devotee of republican principles," Gem was described by Jefferson as "a pure theorist, of the sect called the oeconomists, of which Turgot was considered as the head." Boyd notes also that Jefferson possessed a declaration of rights written by Condorcet and translated by Gem into English. These references to Turgot and Condorcet take on new meaning when laid beside a passage of Priestley's hitherto unnoticed. In his *Lectures on History and General Policy*, first published in 1788, Priestley wrote as follows:

The safe *transferring*, as well as the secure *possession* of property, is a privilege which we derive from society. But it is a question among politicians, how far this privilege should extend. That all persons should have the absolute disposal of their property during their own lives, and while they have the use of their understanding, was never disputed. But some (and among them is M. Turgot) say, there should be no *testament*; a man should have no power of disposing of his property after his death, but it should be distributed by the law, according to the degrees of consanguinity. Whereas in most, if not all the civilized states of Europe, every man has an indefinite power over his property, so that he can direct the enjoyment of it in all future time.<sup>19</sup>

Immediately after his parenthetical reference to Turgot, Priestley placed the following footnote: "See *Vie de M. Turgot* (by Condorcet), 1786, p. 234." Condorcet's book seems a very likely source for the doctrine which, then, would only have

been reinforced in 1789 by the friend of Turgot and Condorcet, Richard Gem.

Once more, however, we are clearly dealing with an idea which was in the air among an international circle of intellectual friends and cannot, without misplaced concreteness, be attributed to any single author, time, or place. More than that: the idea that the earth belongs to the living represented a resolution of a deep-seated contradiction within the thinking of Locke and Locke's followers, and should be seen in the context of earlier responses to the problem by Jefferson himself.

Locke's concern in his too little read *First Treatise* was, of course, to refute the thesis of Sir Robert Filmer that the right of kingship was inherited from Adam. Locke's dilemma was to deny the inheritance of political power without denying the inheritance of property as well. Why, he asks explicitly, when parents die intestate does their property "not return again to the common stock of mankind"? Primogeniture posed a particular problem for him because of its similarity to the inheritance of the throne; and again Locke comments in so many words that

in Countries where their particular Municipal Laws give the whole Possession of Land entirely to the First Born, and Descent of Power has gone so to Men by this Custom, some have been apt to be deceived into an Opinion, that there was a Natural or Divine Right of Primogeniture, to both *Estate* and *Power*; and that the Inheritance of both *Rule* over Men and *Property* in things, sprang from the some Original, and were to descend by the same Rules.<sup>20</sup>

Thus, just as in the chapter on property in the *Second Treatise*, Locke formulates (in the process of discarding) later radical arguments that God gave the earth to men in common and that no man should own more than he can personally consume, so in his discussion of inheritance in the *First Treatise* Locke put into words (if only to refute) something very close to Jefferson's subsequent idea. For Locke, as Paul Lucas has expressed the matter in a brilliant dissertation, it "had to be shown that property did not fall with the state. Property had

to be rendered legally secure while crowns were made legally precarious"; or in another of Lucas' formulations: "Locke wanted to have the best of two worlds—to bind property by consent to the State to avoid anarchy, and at the same time, by rendering its inheritance a natural right, to allow for revolutions that would not endanger property."<sup>21</sup>

But neither radicals nor conservatives would long permit the two kinds of inheritance to be differently conceptualized. Dissenters saw kingship and primogeniture as aspects of a single "Norman Yoke." Thus Catharine Macaulay maintained that "by the system of government imposed by William the Norman tyrant, all but the great landholders, who held their estates from father to son, by feudal entail, were in a state of abject and impassable vassalage, excluded from any voice in the legislature, or property in the soil."<sup>22</sup> Similarly Paine, writing in the 1790s, mixed economic and political metaphors together in arguing that "man has no property in man; neither has any generation a property in the generations which are to follow," or again, that "our ancestors, like ourselves, were but tenants for life in the great freehold of rights."<sup>23</sup>

If radicals tended to the conclusion that the dead cannot bind the living either in politics or economics, conservatives drifted toward the inverse proposition that, as Lucas puts it, "the over-mighty subject who challenges a royal heir's right to the Crown questions his own title to his own property."<sup>24</sup> That proposition was axiomatic for Burke, but an earlier and more complex discussion which, in addition, undoubtedly influenced Jefferson, was William Blackstone's.

Blackstone simultaneously affirmed that the inheritance of kingship "in general corresponds with the feudal path of descents, chalked out by the common law on the succession to landed estates," and that neither lands nor thrones were "naturally descendible." His account of the origin of private property followed that of Locke and other theorists of the social contract with the all-important exception that Blackstone considered its end product—a "permanent right of property" legitimizing bequests from father to son—"no *natural*, but merely a *civil* right." No more than Hume did Blackstone

intend skepticism concerning Locke's natural rights philosophy to undermine the continuance of private property, which all three took for granted. Still, there were the words: "naturally speaking, the instant a man ceases to be, he ceases to have any dominion."<sup>25</sup> Jefferson was forgetting Blackstone's *Commentaries* when, in his 1789 letter to Madison, he characterized "the question Whether one generation of men has a right to bind another" as one which "seems never to have been started either on this or our side of the water."<sup>26</sup>

By the time he wrote the Declaration of Independence Jefferson had long held views on the nature of land tenure which (so he commented later) were shared only by his mentor in the law, George Wythe.<sup>27</sup> These he crisply summarized in his *Summary View of the Rights of British America*, in 1774. According to Jefferson, land grants in the American colonies embodied "the fictitious principle that all lands belong originally to the king" because emigrants from England "were laborers, not lawyers" and misunderstood the situation. In reality, so Jefferson maintained, the fundamental form of landholding in English common law was not feudal but "allodial," that is, held "in absolute dominion, disencumbered with any superior."

Jefferson believed allodial possession to be "the basis or groundwork" of English land law because he believed it to be the oldest form of ownership. "In the earlier ages of the Saxon settlement feudal holdings were certainly altogether unknown," Jefferson wrote in the *Summary View*.<sup>28</sup> His student notebooks show whence he derived that opinion during "law reading which I found alwais strengthened it."<sup>29</sup> "Somner," runs a characteristic entry, "concurs with those who think feudal tenures were introduced by the Conqueror, Somn. *Gavelk.* 112. If the feudal regulations prevailed at all among our Northern ancestors, before their irruption into the Southern countries, it must have been in a very infantine state, for from a passage in Caesar we find the Germans even in his day had no fixed property in lands. . . . *L. 6 c. 20*—and Tacitus . . . *de mor. Germ.* 26." In Robertson's history of the reign of Charles V, Jefferson found the thesis that "property in land



seems to have gone through four successive changes among the people who settled in the various provinces of the Roman empire." The stages were: (1) "While the barbarous remained in their own original countries they had no fixed property in land. . . ."; (2) when the barbarians conquered another country their soldiers took land as freemen "in full property," that is, allodially; (3) then land was held under feudal tenures but only for life; (4) finally, feuds became hereditary.<sup>30</sup>

Who then, according to Jefferson, owned the land of America? Not the king, for "America was not conquered by William the Norman, nor it's lands surrendered to him or any of his successors." Individual farmers? This would seem to follow from Jefferson's definition of allodial tenure as "absolute right." But what Jefferson said in the *Summary View* was:

From the nature and purpose of civil institutions, all the lands within the limits which any particular society has circumscribed around itself, are assumed by that society, and subject to their allotment only. This may be done by themselves assembled collectively, or by their legislature to whom they may have delegated sovereign authority: and, if they are allotted in neither of these ways, each individual of the society may appropriate to himself such lands as he finds vacant, and occupancy will give him title.<sup>31</sup>

In other words, Jefferson counterposed to feudal tenure under the king of England absolute, allodial ownership *either* by a community *or* by an individual. There was therefore no contradiction between these youthful formulations and the later doctrine that the earth belongs to the living. In a letter of August 1776, Jefferson defined feudal tenure as "separation of the property from the perpetual use of lands," and defined perpetual use to mean men holding "their lands as their personal estate in absolute dominion."<sup>32</sup> Absolute property ownership by an individual meant precisely the right to use it during one's own lifetime.

The famous land reforms which Jefferson pushed through the Virginia legislature after independence gave these views practical expression. The abolition of entail made property available for the use of the present generation. The abolition

of primogeniture sought to ensure that all the present generation might use property equally. And so did the proposal, which was not adopted by the legislature, to give each landless (white) adult male a fifty-acre freehold from the wild land in the West owned by the state of Virginia.

The continuity between Jefferson's views on land tenure at the time of the American Revolution and his views on it at the time of the French Revolution is demonstrated by his letter to Reverend James Madison in October 1785. The letter begins with an account of a conversation with a poor woman who

told me she was a day labourer, at 8. sous or 4 d. sterling the day; that she had two children to maintain, and to pay a rent of 30 livres for her house (which would consume the hire of 75 days), that often she could get no employment, and of course was without bread.

The incident suggested to Jefferson the necessity of reducing the inequality of property so far as practicable by changing the laws of inheritance and by progressive taxation. Then he went on:

Whenever there is in any country, uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate natural right. The earth is given as a common stock for man to labour and live on. If, for the encouragement of industry we allow it to be appropriated, we must take care that other employment be furnished to those excluded from the appropriation. If we do not the fundamental right to labour the earth returns to the unemployed.<sup>33</sup>

Here, to begin with, was the justification of the homestead law which Jefferson had proposed to the Virginia legislature in 1776. Here were also clearly anticipated elements of the theory of *Agrarian Justice*: the earth was given to mankind in common; those excluded from this inheritance must be indemnified; this is a natural right, as opposed to the merely conventional rights of property. In one respect Jefferson in this letter appeared to go beyond what either he or Paine said later. He seemed to imply that, in the absence of remedial state action, the unemployed might rightly take the land they needed.

According to Vernon Parrington, it was the belief that the human rights of life and liberty were more valuable than the rights of property which led Jefferson in the preamble to the Declaration of Independence to reject the word "property" and speak instead of "the pursuit of happiness."<sup>34</sup> Boyd, on the contrary, argues that "the pursuit of happiness" was a conventional phrase which Locke himself had used "at least three times, though not in a political context."<sup>35</sup> But whether or not there was significance in Jefferson's use of the words "pursuit of happiness," there may still have been significance in his failure to use the word "property." When early in the French Revolution Lafayette submitted to Jefferson a draft of the Declaration of the Rights of Man, Jefferson struck the word "property" from the rights itemized by Lafayette, putting in its place: "the power to dispose of his person and the fruits of his industry, and of all his faculties."<sup>36</sup> These, we may assume Jefferson to have believed, were natural human energies; property itself was a social convention. In a letter written in 1813, Jefferson explicitly denied that property was a natural right.<sup>37</sup>

Nevertheless, Parrington and the Progressive historians in general exaggerate the extent to which the Declaration, or its author, or the Revolution which they rationalized, frontally attacked the rights of property. When Jefferson returned to the United States shortly after writing to Madison in September 1789, the content of his words about the rights of the living generation shrank. In France he clearly meant not only that no legislature should make public debts which its children would have to repay, and not only that every generation can rewrite its political constitution, but also that "it renders the question of reimbursement a question of generosity and not of right." When hereditary rights are abolished, he went on, "the present holders, even where they, or their ancestors, have purchased, are in the case of *bonâ fide* purchasers of what the seller had no right to convey."<sup>38</sup> There was no more talk about violation of contracts after Jefferson got home. It was left for Lincoln, not Jefferson, to confiscate without compensation two billion dollars' worth of slaves.

Jefferson as an old man retained of the original doctrine only a vague speculative nostalgia for the primitive communism of barbarian societies. Robertson had described the ancient Germans as being under no "formal obligation to serve the community; all their services were purely voluntary; every individual was at liberty to chuse how far he would contribute towards carrying on any military enterprise. If he followed a leader in any expedition, it was from attachment, not from a sense of obligation."<sup>39</sup> Jefferson and Franklin had just such a society near at hand in their own lifetime in the remaining tribes of Indians. Both frequently glanced sidewise at the intriguing alternative of the propertyless savages. Franklin commented at the time of the Revolution that

all the Indians of North America not under the Dominion of the Spaniards, are in that *Natural State*, being restrain'd by no Laws, having no Courts or Ministers of Justice, no Suits, no Prisons, no Governors vested with any legal Authority. The Persuasion of Men distinguished by Reputation of Wisdom is the only Means by which others are govern'd or rather led.—And the State of the Indians was probably the first State of all Nations.<sup>40</sup>

A half-century later Jefferson gave a very similar description in that same letter to Francis Gilmer which asserted that, upon joining society, men ought to give up none of their natural rights. "Our Indians," he wrote to Gilmer,

are evidently in that state of nature which has passed the association of a single family; and not yet submitted to the authority of positive laws, or of any acknowledged magistrate. Every man, with them, is perfectly free to follow his own inclinations. But if, in doing this, he violates the rights of another, if the case be slight, he is punished by the disesteem of his society, or, as we say, by public opinion; if serious, he is tomahawked as a dangerous enemy. Their leaders conduct them by the influence of their character only; and they follow, or not, as they please, him of whose character for wisdom or war they have the highest opinion.<sup>41</sup>

But no more than in the case of chattel slavery did Jefferson see how to bring about what he wanted in a society based on private property, and the expansion of commerce and population. Indian society may be best, Jefferson wrote to Madison a few

months before the Constitutional Convention of 1787, but it is not possible for large numbers of people.<sup>42</sup> He held that opinion to the end of his life. In 1822 the early American socialist Cornelius Blatchly sent Jefferson his *Essay on Common Wealths*, which argued that property was a social creation and should be in common. Acknowledging the book, the sage of Monticello said again that "communion of property" was possible only in small societies. Two years later he added in a letter to William Ludlow that the attempt to make property common would be "treading back our steps a little way."<sup>43</sup>

Eighteenth-century radicalism did not transcend private property in theory, any more than in practice. Its characteristic economic demand was not that the public administer the means of production or that the good man give all he had to the poor, but that the laborer be fully paid. Woolman, when all is said and done, asked the owner of property to be a faithful steward. Jefferson's economic reforms were confined to the edges of society: to the West, and (by changing the law of inheritance) to succeeding generations. Even in *Agrarian Justice*, Paine held that "nothing could be more unjust than agrarian law [i.e., an equal distribution of property] in a country improved by cultivation."<sup>44</sup>

But if the revolutionary tradition did not destroy private property, either in theory or practice, it demythologized it. Property in the nineteenth century was no longer the ark of the covenant it had been in the eighteenth. It was recognized to be, not a natural right existing before society, but a social convention. The illegitimizing of inherited political rights was understood to qualify inherited economic rights as well. Property in man was denounced, and the old notion that God had given the things of this earth to mankind in common was revived.

### III

Both in England and America, eighteenth-century questioning of private property in the name of natural rights evolved continuously into early nineteenth-century questioning from the standpoint of a labor theory of value. Behind this general-

ization lay the fact that the lower-middle-class Dissenting preacher or schoolmaster who was the characteristic exponent of radicalism before the 1790s shaded off into the self-educated workingman, reared in a Dissenting chapel or (in America) one of the popular evangelical sects, who pioneered the socialist and abolitionist movements. From a sociological standpoint, Tom Paine, son of a Quaker corset maker, and William Lloyd Garrison, son of a sailor who deserted the family and a seamstress who became a Baptist shortly before Garrison's birth, were the same sort of man; appropriately, Garrison was born in Newburyport near the building where the great eighteenth-century evangelist George Whitefield died. Moreover, many of the early nineteenth-century spokesmen for American radicalism were immigrants from England. Of the six men described by David Harris as "American forerunners of Marx"—Cornelius Blatchly, Daniel Raymond, Langdon Byllesby, William Maclure, William Heigh-ton, and Thomas Skidmore—Byllesby was a printer whose father had emigrated from Lincolnshire, Maclure was born in Scotland, and Heigh-ton, a Philadelphia cordwainer, came to America from England soon after his birth in 1800. After each peak of English radicalism—the corresponding societies of the 1790s, the agitation following the Peace of Ghent—leaders fled to the United States.

Without exception the American forerunners of Marx still spoke the language of inalienable natural rights. The *substance* of artisan radicalism differed sharply from Jeffersonian democracy: they condemned slavery whereas he, in old age, increasingly sympathized with Southern sectionalism and indeed said nothing in public against slavery after he became a candidate for president; they welcomed the abundance which industrialization made possible in contrast to his fear of luxury, cities, and urban workingmen themselves; they, while sharing with Jefferson a Utopia modeled on institutions of local self-government, were more open than he to the possibility that strong measures of state power might be necessary to achieve it. Nevertheless, the *form* of early American proposals for communal property was Jeffersonian. Radicals used

his authority in much the same way that their predecessors, the radical Dissenters, had used the authority of Locke.

Skidmore's book, for instance, probably the single most comprehensive statement of this pre-Marxian American radicalism, revealed its indebtedness to Jefferson in its title: *The Rights of Man to Property! Being a Proposition to Make It Equal Among the Adults of the Present Generation: and to Provide for Its Equal Transmission to Every Individual of Each Succeeding Generation, on Arriving at the Age of Maturity*. Skidmore himself stated that the Jeffersonian periodical *Aurora* was the decisive influence on his intellectual development. In support of his version of the rights of the present generation, Skidmore quoted not only Blackstone but a passage from a suit prepared by Jefferson in 1812 to protect "the Public Right to the Beach of the Mississippi, adjacent to New Orleans":

That the lands within the limits assumed by a nation, belong to the nation, as a body, has probably been the law of every people on earth, at some period of their history. A right of property, in moveable things, is admitted before the establishment of government. A separate property, in lands, not till after that establishment. The right to moveables is acknowledged by all the hordes of Indians surrounding us. Yet, by no one of them has a separate property, in lands, been yielded to individuals. He who plants a field, keeps possession till he has gathered the produce; after which one has as good a right as another to occupy it. Government must be established, and laws provided, before lands can be separately appropriated, and the owner protected in his possession. Till then the property is in the body of the nation, and they, or their chief, as trustee, must grant them to individuals, and determine the conditions of the grant.

Skidmore went on to criticize Jefferson as he had criticized Paine for too readily accepting the existing system of private property, but he did so in the language of the preamble to the Declaration of Independence. How *ought* the earth to have been divided? The answer "is engraved on the heart of man, and there is no power, while he lives and has his faculties, that can efface the engraving. That heart tells him, what it tells every man now who has one; that he has an equal right with

any and every other man, to an equal share of the common property. . . ."45

In like fashion Blatchly listed among man's inalienable rights "his perfect right to the full fruits of his own honest ingenuity and labour," and, almost in the words of Jefferson's letter to Gilmer, maintained that "no man by entering into civil government should be abridged of any equitable right to nature." Similarly Daniel Raymond believed, as Jefferson came very close to saying, that all private wealth "should be resolved into the general mass, at least once in every generation." Byllesby too took his stand on the Declaration of Independence, insisting however, as did his cothinkers, that to speak of inalienable rights of life and liberty without providing material means to sustain them would be like saying that "an ox has an inalienable right to fly, or a fish to walk."<sup>46</sup> In every case the Jeffersonian vocabulary was made to do service for more-than-Jeffersonian ends.

Comparable continuity with the economic thought of Jefferson and Paine is evident in the case of abolitionism. Consider Congressman George W. Julian, whose agitation against land monopoly during the 1850s and 1860s formed a bridge between the homestead campaign of George Henry Evans and the single-tax movement of Henry George. When Julian first spoke in Congress on behalf of a homestead bill, in 1851, he was obliged to disclaim advocacy of "Agrarianism, or Socialism" or any "*leveling* policy." Taking his stand on "the broad ground of natural right," Julian maintained that in "the first peopling of the earth, it was as free to all its inhabitants as the sunlight and the air; and every man has, by nature, as perfect a right to a reasonable portion of it, upon which to subsist, as he has to inflate his lungs with the atmosphere which surrounds it, or to drink of the waters which pass over its surface. This right is as inalienable, as emphatically *God-given*, as the right to liberty or life. . . ." Like the early American socialists Julian went on to say that a natural right to land was self-evident because without it the right to life lacked substance. After the Civil War, comparing the American "railway power" to "the power of the old feudal barons over



the roads passing through their territory," Julian cited Locke, Vattel, John Stuart Mill, Sismondi, and "our Puritan ancestors" in support of "the scriptural truth that the earth belongs 'to the children of men'."<sup>47</sup>

In the homestead agitation Radical Republicans, like Jefferson before them, sought to make uncultivated public land available to pioneers. The Radical Republicans went beyond Jefferson when, during the Civil War, they pressed for confiscation and division of plantations. Their rhetoric in these debates was astonishingly radical. Julian himself advocated "parceling out the plantations of rebels in small farms for the enjoyment of the freedmen, who have earned their right to the soil by generations of oppression, instead of selling it in large tracts to speculators, and thus laying the foundations of a system of land monopoly in the South scarcely less to be deplored than slavery itself." Failure to do so, Julian said, would mean replacing chattel slavery by "the system of wages-slavery, the child of land monopoly."<sup>48</sup> Julian was only one of many who talked this way.

Senator Trumbull of Illinois asserted that "you cannot draw a contract so strong by which one person shall give his time and services to another, that the paramount authority of the Government cannot abrogate that contract." Senator Morrill of Maine observed that "what we are witnessing and encountering is the old struggle of a class for power and privilege which has so often convulsed the world, repeating itself in our history." Senator Howard of Michigan remarked that Nestor had seized and carried off the herds of the Aeleans to compel them to pay their debts, and Henry VIII had seized the monasteries. But the analogy which dominated the imagination of Howard and others of the group who came to be called "Jacobins" was to the French Revolution. "The revolution of 1789," declared Howard,

by which the feudal system was destroyed and the French nation regenerated, owed its successes and the final triumph of the great principles which lay at its foundation, to confiscations of the property of the enemies of the republic within the limits of France.

The fashion, Howard continued, is to speak of those confiscations "not as precedents to be followed, but warnings to be heeded." But the French had not been barbarians. "They were struggling for freedom and equal rights." "They drew the sword against *privilege*, and threw away the scabbard." Howard argued that to say the Fifth Amendment protected property in the midst of wartime would require one to say the same of life, and so create "a non-combatant, Quaker Constitution." Trumbull, too, hammered away at the implication of those opposed to confiscation that the Constitution protects property more absolutely than life or liberty. "Somehow or other," he said,

a distinction seems to be drawn in favor of the property. The great rights of life and liberty used to be considered more sacred than everything else; for the question is asked, "what shall a man give for his life?" It seems, however, that a distinction is now drawn, and property has become much more sacred, and the guarantees of the Constitution protect it much more efficiently than they do the life or liberty of the citizen.

Congressman Gurly of Ohio cited the emancipation of the serfs in Russia and Congressman Owen Lovejoy of Illinois, brother of the martyred Elijah Lovejoy, the peaceful process whereby ex-slaves had acquired farms in the British West Indies. Senator Sumner of Massachusetts, winding up the debate on land confiscation in the Senate, turned again to France. Robespierre's confiscations, Sumner said,

aroused at the time the eloquent indignation of Burke, and it still causes a sigh among all who think less of principles than of privileges. . . . Cruel as were many of the consequences, this confiscation must be judged as a part of that mighty revolution whose temper it shared; nor will it be easy to condemn anything but its excesses, unless you are ready to say that the safety of France, torn by domestic foes and invaded abroad, was not worth securing, or that equality before the law, which is now the most assured possession of that great nation, was not worth obtaining.<sup>49</sup>

This forthright defense of the French Revolution in all its phases had a significance comparable to the defense of Cromwell in eighteenth-century England, or of the Bolshevik

Revolution in the United States today. Radical Republicans were charged by their legislative colleagues with adventuring "upon the wide sea of revolution," breaking down "the idea of property" which "is the animating spirit of the country."<sup>50</sup>

The most suggestive abolitionist attack upon private property, however, was not the wartime campaign to divide the plantations (which, after all, failed), nor previous assaults upon the "lords of the loom" who manufactured cotton cloth (for just as much was said about the need of the South for "Northern institutions"). It was Henry Thoreau's critique of alienated labor.

Just as Dissenters had criticized priests and kings in the name of living conscience, so that radicalism which grew from Dissent criticized property in the name of living labor. Jefferson, in defending the present generation, Paine, in his sensitivity to the "working hand," expressed in varying forms the idea that he who works should be fed. Thoreau, like Marx, cut beneath analysis of misuse of the *product* of labor to examine the *process* of labor in an industrialized capitalist economy.

For Thoreau as for Marx, political democracy was a step forward but only a partial step. "America," Thoreau wrote in *Life Without Principle*,

is said to be the arena on which the battle of freedom is to be fought; but surely it cannot be freedom in a merely political sense that is meant. Even if we grant that the American has freed himself from a political tyrant, he is still the slave of an economical and moral tyrant.<sup>51</sup>

Similar was Marx's expression in the early *On the Jewish Question*:

*Political* emancipation certainly represents a great progress. It is not, indeed, the final form of human emancipation, but it is the final form of human emancipation *within* the framework of the prevailing social order.<sup>52</sup>

Full freedom required that political democracy be extended to the economy as well, that the man absolutely free as a citizen while still economically unfree be set at liberty in what Marx called "his sensuous, individual and *immediate* existence."<sup>53</sup>

This was a radicalism which went beyond the American Revolution, but only in the way that Thoreau himself did. Taking political democracy for granted, Thoreau set about to discover why "the laboring man . . . has no time to be anything but a machine" and "men have become the tools of their tools."<sup>54</sup> He visualized capitalist society as a larger version of the Australian gold fields:

the numerous valleys, with their streams, all cut up with foul pits, from ten to one hundred feet deep, and half a dozen feet across, as close as they can be dug, and partly filled with water,—the locality to which men furiously rush to probe for their fortunes,—uncertain where they shall break ground,—not knowing but the gold is under their camp itself,—sometimes digging one hundred and sixty feet before they strike the vein, or then missing it by a foot,—turned into demons, and regardless of each others' rights, in their thirst for riches,—whole valleys, for thirty miles, suddenly honeycombed by the pits of the miners, so that even hundreds are drowned in them,—standing in water, and covered with mud and clay, they work night and day, dying of exposure and disease.<sup>55</sup>

Thoreau might speak of pushing down the road of life a barn seventy-five feet by forty, and Marx of the fetishism of commodities, but they meant very much the same thing. Who, for example, wrote these words?

. . . Captain Hamilton reports that the devout and politically free inhabitant of New England is a kind of Laocoön who makes not the least effort to escape from the serpents which are crushing him. *Mammon* is his idol which he adores not only with his lips but with the whole force of his body and mind. In his view the world is no more than a Stock Exchange, and he is convinced that he has no other destiny here below than to become richer than his neighbour. Trade has seized upon all his thoughts, and he has no other recreation than to exchange objects. When he travels he carries, so to speak, his goods and his counter on his back and talks only of interest and profit. If he loses sight of his own business for an instant it is only to pry into the business of his competitors.<sup>56</sup>

That is not *Walden* but Marx, writing about Thoreau's neighbors very much as Thoreau himself did.

What is alienated, for both Marx and Thoreau, is not only

part of the workingman's product but the human capacities, energies, potentialities which should express themselves in joyful labor. As they saw it the essence of man's oppression in "civilized" society is that man's characteristic activity, productivity, becomes (to use Marx's terms) "self-sacrifice" and "mortification" rather than (to use Thoreau's) a "pastime." Thoreau expressed human subordination to inanimate things as plowing oneself into the soil for compost.<sup>57</sup> Marx put it this way:

. . . the worker is related to the *product of his labour* as to an *alien* object. For it is clear . . . that the more the worker expends himself in work the more powerful becomes the world of objects which he creates in face of himself, the poorer he becomes in his inner life, and the less he belongs to himself.

Repeatedly Marx insisted that "alienation appears not merely in the result but also in the *process of production*, within *productive activity* itself." The following words, in fact by Marx, might just as well have been Thoreau's:

What constitutes the alienation of labour? First, that the work is *external* to the worker, that it is not part of his nature; and that, consequently, he does not fulfill himself in his work but denies himself, has a feeling of misery rather than well-being, does not develop freely his mental and physical energies but is physically exhausted and mentally debased. The worker, therefore, feels himself at home only during his leisure time, whereas at work he feels homeless. His work is not voluntary but imposed, *forced labour*. It is not the satisfaction of a need, but only a *means* for satisfying other needs. Its alien character is clearly shown by the fact that as soon as there is no physical or other compulsion it is avoided like the plague.<sup>58</sup>

Similar, too, were the two men's visions of an alternative. In the same years (1845-1846) that Marx described in *The German Ideology* a Utopia in which men would do physical labor in the morning and write literary criticism after lunch, Thoreau was doing just that at Walden Pond.

Because Marx and Thoreau shared a literary style which emphasized contradiction and drove conclusions to extremes, at times the parallelism is almost uncanny:

. . . In the large towns and cities, where civilization especially prevails, the number of those who own a shelter is a very small fraction of the whole. The rest pay an annual tax for this outside garment of all, become indispensable summer and winter, which would buy a village of Indian wigwams, but now helps to keep them poor as long as they live.

. . . On the one side is the palace, on the other are the almshouse and "silent poor." The myriads who built the pyramids to be the tombs of the Pharaohs were fed on garlic, and it may be were not decently buried themselves. The mason who finishes the cornice of the palace returns at night perchance to a hut not so good as a wigwam. It is a mistake to suppose that, in a country where the usual evidences of civilization exist, the condition of a very large body of the inhabitants may not be as degraded as that of savages.<sup>59</sup>

. . . Man is regressing to the *cave dwelling*, but in an alienated, malignant form. The savage in his cave (a natural element which is freely offered for his use and protection) does not feel himself a stranger; on the contrary he feels as much at home as a *fish* in water. But the cellar dwelling of the poor man is a hostile dwelling, "an alien, constricting power which only surrenders itself to him in exchange for blood and sweat." He cannot regard it as his home, as a place where he might at last say, "here I am at home." Instead, he finds himself in *another person's* house, the house of a *stranger* who lies in wait for him every day and evicts him if he does not pay the rent.<sup>60</sup>

The reader may correctly identify the author of each of these passages, but I suspect it will take him a few moments. Here obviously were the spokesmen, not of two utterly alien traditions with nothing to say to one another, but of two variants of one tradition springing from Rousseau's insight that (as Thoreau expressed it) "just in proportion as some have been placed in outward circumstances above the savage, others have been degraded below him."<sup>61</sup>

This is what matters to us in our own day, when the Marxist and libertarian American traditions are characteristically counterposed as expressions of "revolution" as over against "rebellion," or of an ideological "closed society" in contrast

to a pragmatic "open" one. In its own time, and in the context of the unfolding of an American revolutionary tradition, what mattered about the abolitionist questioning of private property was that it weakened respect for the state power by which that property was protected.

They need the state most, observed Thoreau in *Civil Disobedience*, who require it to protect their property.<sup>62</sup> By its guerrilla attacks upon the right of property, the revolutionary tradition prepared the ground for a frontal assault upon the authority of the state.

## NOTES

1. Quoted in J. Morrison Davidson, *Concerning Four Precursors of Henry George* (London and Glasgow, [c. 1900]), p. 29.
2. James Madison to John Brown, [October 1788], *Letters and Other Writings of James Madison*, ed. William C. Rives (Philadelphia, 1865), I, 187-88.
3. John Adams to Richard Price, May 20, 1789, *The Works of John Adams*, ed. Charles F. Adams (Boston, 1850-1856), IX, 558-59.
4. Bailyn, *Ideological Origins*, pp. 47, 283. Quite in contrast to his exhaustive treatment of the earlier "commonwealthmen," Bailyn characterizes the Dissenters inaccurately on the basis of a single secondary source which he misinterprets. Thus Bailyn quotes this source to the effect that "the extreme English radicals of the Revolutionary period" (Bailyn's phrase) were "no democrats." But in fact Ian Christie uses the expression "no democrats" about a small group of ideologues "in the years before 1769" including Thomas Hollis, Richard Baron, and Thomas Brand, *not* about Wilkes, Price, Burgh, Priestley, and Cartwright (*Ideological Origins*, p. 283 n.; Ian R. Christie, *Wilkes, Wyvill and Reform: The Parliamentary Reform Movement in British Politics, 1760-1785* [London, 1962], p. 15). Relying exclusively on Christie, Bailyn follows him in the belief that "between 1763 and 1785 discontent among the masses due to widespread social or economic grievances contributed little, if anything, to the agitation for reform" (*Wilkes, Wyvill and Reform*, p. 223), ignoring, for example, the evidence of George Rudé that the "most loyal and vociferous" of Wilkes's early supporters were "the London craftsmen, journeymen and labourers" (*Wilkes and Liberty: A Social Study of 1763 to 1774* [Oxford, 1962], p. 192). What Bailyn does, in effect, is to seek to sustain Miss Robbins' thesis that the Dissenters merely continued the "commonwealth tradition," not as she did by the argument that both groups were radical, but by the contrary argument that both groups were conservative. He writes in this vein: "Christie's description of the radicals of the 1760's holds equally well for most of the commonwealthmen and coffeehouse radicals of the early eighteenth century, whose views became so influential in America. Trenchard and Gordon, for example, refused to

- consider any alteration in the property structure of England (*Cato's Letters*, no. 85); objected not to inequality as such but only to artificial inequality (no. 45); were anti-majoritarian (no. 62); and were vehemently opposed to charity schools. . . ." (*Ideological Origins*, p. 283 n.). Not one of these four beliefs was characteristic of the Dissenters.
5. James Burgh, *Thoughts on Education* (Boston, 1749), p. 18; *Dignity of Human Nature*, p. 258; *Youth's Friendly Monitor* . . . (London, 1756), p. 16.
  6. "A Plea for the Poor," *Journal and Essays*, ed. Gummere, p. 403.
  7. Benjamin Franklin to Robert Morris, December 25, 1783, *Writings*, ed. Smyth, IX, 138.
  8. Granville Sharp, *A Short Tract Concerning the Doctrine of "Nullum Tempus occurrit Regi"* . . . (London, 1779), pp. 3-7. In this and other quotations from Sharp I have usually omitted italics, which he employed superabundantly.
  9. "Essay on Government," *Works*, XXII, 26. Note the indignation this passage aroused in Josiah Tucker, *A Treatise Concerning Civil Government, in Three Parts* (London, 1781), pp. 16-17.
  10. "Queries and Remarks Respecting Alterations in the Constitution of Pennsylvania," *Writings*, X, 58-60.
  11. *Political Disquisitions*, I, 37; this passage is quoted by Christie, *Wilkes, Wycill and Reform*, p. 55.
  12. "A Philosophical View of Reform," *Political Tracts of Wordsworth, Coleridge and Shelley*, ed. R. J. White (Cambridge, 1953), p. 239.
  13. Cartwright, *Legislative Rights*, pp. xxii, 28-34, 50-51; as to Brissot and French revolutionary thinking about property, see K. D. Toennesson, "The Babouvists: From Utopian to Practical Socialism," *Past and Present* (1962), p. 62.
  14. "Lectures on History and General Policy," *Works*, XXIV, 226-27; Lincoln, *English Dissent*, p. 164; *Lectures on History and General Policy* . . . (Philadelphia, 1803), II, lectures 41, 43; "A Political Dialogue on the General Principles of Government," *Works*, XXV, 86-88, 95-96.
  15. Price, *Observations on the Importance of the American Revolution* (London, 1784), pp. 70-71.
  16. "Common Sense," *Complete Writings*, I, 9; "Agrarian Justice," *ibid.*, I, 609-23.
  17. Zoltán Haraszti, *John Adams and the Prophets of Progress* (Cambridge, Mass., 1952), p. 96.
  18. *Papers*, ed. Boyd, XV, 384-91.
  19. "Lectures on History and General Policy," *Works*, XXIV, 225. An English translation of Condorcet's biography was published in London in 1787; see p. 305: "The right of property in any individual is nothing more than the right of using freely whatever belongs to him. . . . There should . . . be no wills."
  20. John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge, 1960), pp. 224, 227.
  21. Paul Lucas, "Essays in the Margin of Blackstone's *Commentaries*,"



- unpublished Ph.D. dissertation, Princeton University, 1962, pp. 211, 214.
22. *History of England*, V, 360–61.
  23. "Rights of Man," *Complete Writings*, I, 251; "Dissertation on First Principles of Government," *ibid.*, II, 575.
  24. "Essays," p. 196.
  25. William Blackstone, *Commentaries on the Law of England. In Four Books*, ed. Edward Christian (London, 1809), I, 192–193; II, 10–11. See also Blackstone's *A Treatise on the Law of Descents in Fee-Simple* (Oxford, 1759), pp. 16–17: "... all rules of succession to estates are creatures of the civil polity, and *juris positivi* merely. The right of property, which is gained by occupancy, extends naturally no farther than the life of the present possessor; after which the land by the law of nature would again become common, and liable to be seized by the next occupant: but society, to prevent the mischiefs that might ensue from a doctrine so productive of contention, has established conveyances, wills, and successions," etc.
  26. Jefferson to Madison, September 6, 1789, *Papers*, XV, 392.
  27. "Autobiography," *The Works of Thomas Jefferson*, ed. Paul L. Ford (New York, 1904–1905), I, 14.
  28. "A Summary View of the Rights of British America," *Papers*, I, 132–33.
  29. Jefferson to Edmund Pendleton, August 13, 1776, *ibid.*, I, 491.
  30. *The Commonplace Book of Thomas Jefferson: A Repertory of His Ideas on Government*, ed. Gilbert Chinard (Baltimore, 1926), pp. 190, 229–32. These ideas went back to the early seventeenth-century antiquarian Henry Spelman; see Samuel Kliger, *The Goths in England: A Study in Seventeenth and Eighteenth Century Thought* (Cambridge, 1952), especially p. 128, and J. G. A. Pocock, *The Ancient Constitution and the Feudal Law* (Cambridge, 1957), especially p. 119.
  31. "Summary View," *Papers*, I, 133.
  32. Jefferson to Edmund Pendleton, August 13, 1776, *ibid.*, I, 492.
  33. Jefferson to James Madison, October 28, 1785, *ibid.*, VIII, 681–82.
  34. Vernon L. Parrington, *Main Currents in American Thought* (New York, 1927), I, 344.
  35. Julian P. Boyd, *The Declaration of Independence: The Evolution of the Text* (Princeton, 1945), pp. 3–5, 5 n.
  36. Dumas Malone, *Jefferson and the Rights of Man* (Boston, 1951), p. 223; see also *Papers*, XV, 230–33.
  37. Jefferson to Isaac McPherson, August 13, 1813, *The Writings of Thomas Jefferson*, ed. Andrew A. Lipscomb and Albert E. Bergh (Washington, 1904), XIII, 333: "It is agreed by those who have seriously considered the subject, that no individual has, of natural right, a separate property in an acre of land, for instance. By an universal law, indeed, whatever, whether fixed or movable, belongs to all men equally and in common, is the property for the moment of him who occupies it, but when he relinquishes the occupation, the property goes with it. Stable ownership is the gift of social law, and is given late in the progress of society."

38. Jefferson to James Madison, September 6, 1789, *Papers*, XV, 396-397.
39. *Commonplace Book*, p. 230.
40. Marginal notes on Allan Ramsay's *Thoughts on the Origin and Nature of Government*, quoted by Paul W. Conner, *Poor Richard's Politicks: Benjamin Franklin and His New American Order* (New York, 1965), p. 118.
41. Jefferson to Francis W. Gilmer, June 7, 1816, *Writings*, ed. Ford, X, 32-33.
42. Jefferson to James Madison, January 30, 1787, *Papers*, XI, 92-93.
43. Jefferson to Cornelius Camden Blatchly, October 21, 1822, *Writings*, ed. Lipscomb and Bergh, XV, 399-400; Jefferson to William Ludlow, September 6, 1824, *ibid.*, XVI, 74-76.
44. "Agrarian Justice," *Complete Writings*, I, 612.
45. Thomas Skidmore, *The Rights of Man to Property* . . . (New York, 1829), pp. 72-73, 243; Harris, *Socialist Origins*, pp. 92, 103. The passage from Jefferson's 1812 brief quoted by Skidmore may be found in *Writings*, ed. Lipscomb and Bergh, XVIII, 45-46.
46. Quoted in Harris, *Socialist Origins*, pp. 17, 18, 33, 38.
47. George W. Julian, *Speeches on Political Questions* (New York, 1872), pp. 51-52, 459, 367-69, 420.
48. *Ibid.*, pp. 210-11, 220.
49. *Congressional Globe*, 37th Cong., 2d Sess., 1862, pp. 944, 1077, 1714-15, 1719, 1817, 2166, 2193-96, Appendix 236.
50. *Ibid.*, pp. 1049, 1803.
51. "Life Without Principle," *The Writings of Henry David Thoreau* (Boston and New York, 1893), IV, 476. Compare the parallel quotations from Marx and Emerson in Herreshoff, *American Disciples of Marx*, pp. 18-25.
52. *Early Writings*, p. 15.
53. *Ibid.*, p. 30.
54. "Walden," *Writings*, II, 6, 41.
55. "Life Without Principle," *ibid.*, IV, 465.
56. "On the Jewish Question," *Early Writings*, p. 35.
57. "Walden," *Writings*, II, 6.
58. "Economic and Philosophical Manuscripts," *Early Writings*, pp. 122, 124-25.
59. "Walden," *Writings*, II, 33, 38.
60. "Economic and Philosophical Manuscripts," *Early Writings*, p. 177.
61. "Walden," *Writings*, II, 37-38.
62. "Civil Disobedience," *ibid.*, IV, 372-74. Note Thoreau's exegesis of "render unto Caesar": "if you use money which has the image of Caesar on it, and which he has made current and valuable, that is, if you are men of the State, and gladly enjoy the advantages of Caesar's government, then pay him back some of his own when he demands it."

**CAST  
YOUR  
WHOLE  
VOTE**

"The philosophers," wrote the youthful Karl Marx in his *Theses on Feuerbach*, "have only interpreted the world; but the thing is, to change it." It was an old Anglo-American idea. The Christian communist Gerrard Winstanley had declared in 1649: "My mind was not at rest because nothing was acted, and thoughts run in me, that words and writings were all nothing, and must die, for action is the life of all, and if thou dost not act, thou dost nothing."<sup>1</sup> The revolutionary American abolitionist was above all an activist in the spirit of this saying. Like Thoreau, he sought to cast his "whole vote, not a strip of paper merely."<sup>2</sup>

Whereas the leaders of the American Revolution conceived conscience as a liberty to think and (with certain limitations) speak, abolitionists insisted on the conscientious freedom to act. A minority, even a minority of one, had the duty of living on the basis of God's law in defiance of all man-made authorities. This proposition underlay Garrison's strategy of

immediate emancipation and Thoreau's philosophy of civil disobedience.

Eighteenth- and nineteenth-century American revolutionaries agreed that a political philosophy based on freedom leads to the reconstruction of society as a voluntary association of individuals. But the revolutionaries of 1776, following Locke, made the important qualification that only majorities could renew the social contract. Abolitionism was obliged to discard that restriction so as to justify individual disobedience to laws which sanctioned slavery. For abolitionists the social contract became an association voluntarily re-formed by individuals from day to day. They believed that legitimate government, at any given moment, comprised those laws to which conscientious men could adhere.

To be sure, earlier revolutionaries had had much to say about individual unjust laws, such as the Stamp Act. In 1761 James Otis cited Lord Coke's opinion in *Bonham's Case* in support of the position that a law against "natural equity" was void.<sup>3</sup> Garrison could and did quote Algernon Sidney, whom he called "the father of modern Abolitionism," to the same effect. "*That which is not just is not Law,*" Sidney had written, "*and that which is not Law, ought not to be Obeyed.*" If a lawgiver "be not the Minister of God, he is not a King, at least not such a King as the Apostle commands us to obey."<sup>4</sup>

But the revolutionaries of the abolitionist movement, unlike the revolutionaries of 1776, confronted not an arbitrary king, nor the laws of a Parliament in which they were unrepresented, but unjust laws democratically enacted by a republican government. "All men," Thoreau wrote in *Civil Disobedience*, "recognize the right of revolution."<sup>5</sup> What they did not recognize was minority disobedience to republican government, and to justify this new kind of revolution a new theory was required.

## I

Effecting this intellectual transformation was no simple task. One agency was Quakerism. The Friends were undoubtedly the most persistent Anglo-American lawbreakers in the

seventeenth and eighteenth centuries, and as time went on their testimony concerning civil disobedience, like their closely related testimony against slavery, began to find its way into more orthodox political discourse. John Woolman prophetically anticipated both Thoreau's action in refusing wartime taxes and the tendency of abolitionist theorizing to link oppression of the Negro to oppression of the Indian and to war.

At the time of the American Revolution the Friends were regarded as advocates of passive obedience and quasi-Tories. Their period of maximum intellectual influence was the early nineteenth century, when the characteristic Quaker doctrine of an "inner light" ("that of God in every man") had the same kind of impact on secular political thought that the similar teachings of the English Dissenters had had in the previous century. Just as the insistence of Dissenters on freedom of conscience proved the key to the thought-world of late eighteenth-century radicalism, so Quakerism most clearly exhibited the constellation of attitudes at the heart of radical abolitionism. Emerson and Bancroft ascribed to George Fox their belief in the common man's capacity to perceive the truth by unaided intuition.<sup>6</sup> Garrison, charged by the churches with irreligion, discovered in Quakerism a religious tradition with which he could identify.<sup>7</sup> Of Lincoln, whose Second Inaugural Address represented the completed fusion of secular and sacred traditions in antislavery thought, Richard Current comments: "Though never quite a Quaker (he assumed that some of his ancestors had been), Lincoln had a strong affinity for the beliefs of the Friends."<sup>8</sup>

The beginnings of the assimilation of Quaker sensibility into the mainstream of American political discourse can be observed in two petitions against slavery submitted to the First Congress in 1790. The petition of the Society of Friends employed religious language, calling for "unfeigned righteousness in public as well as private stations" and "the exercise of a solid uniform virtue." The petition of the Pennsylvania Society for Promoting the Abolition of Slavery used a more secular rhetoric. It appealed to "a regard for the happiness of mankind," and to "a just and acute conception of the true

principles of liberty." It made the legalistic argument that the Constitution required the blessings of liberty to be administered "without distinction of color, to all descriptions of people," and the political argument for a "restoration of liberty" to those who, alone in a free land, were "degraded into perpetual bondage" and "groaning in servile subjection." Nevertheless, the two vocabularies overlapped. The Quakers observed that the slave trade "most certainly tends to lay waste the virtue, *and*, of course, the happiness of the people," and that "*both* the true temporal interest of nations, and eternal well-being of individuals, depend on doing justly, loving mercy, and walking humbly before God" (*italics added*). The Pennsylvania Abolition Society concurred that mankind was "equally designed for the enjoyment of happiness" according to the Christian creed, "and the political creed of Americans fully coincides with the position."<sup>9</sup>

During the "lost generation" of American abolitionism, from 1790 to 1830, a thin grey line of Quakers kept a concern about slavery alive. One of the first writers who appealed to the authority of the Declaration against the authority of the Constitution was the Quaker John Parrish in 1806. Elias Hicks and Benjamin Lundy inspired a group of Friends in the Western Reserve of Ohio who developed in the early 1820s "a synthesis of the Biblical and natural rights arguments" which held slavery not only wrong but unrepugnant. These "pioneer antislavery strongholds" voiced the "lay ethical and moral opinions [which] were the matrix of the War Amendments," and sent to Congress representatives such as Joshua Giddings, author of the *Creole* resolutions, and John Bingham, one of the Fourteenth Amendment's founding fathers.<sup>10</sup>

Thomas Clarkson, patriarch of the English antislavery movement, played a considerable part in generalizing Quaker attitudes among other non-Friends. His three-volume *Portraiture of Quakerism*, reprinted in New York in 1806 and in Philadelphia in 1808, and his *Memoirs of William Penn*, which appeared in the same two cities in 1813-1814, were read in the United States together with his *History of the Rise, Progress and Accomplishment of the Abolition of the African Slave-*

*Trade*. "From the year 1787, when I began to devote my labours to the abolition of the Slave-trade," so Clarkson wrote in introducing the *Portraiture*, "I was thrown frequently into the company of the people called Quakers. . . . Hence I came to a knowledge of their living manners, which no other person, who was not a Quaker, could have easily obtained."<sup>11</sup> The observations of this sympathetic co-worker helped to build bridges between Quaker experience and the traditions of other Protestant Dissenters. Indeed, Clarkson's five volumes about the group which had begun the antislavery struggle before his own involvement and had been his constant companions in it, constitute a kind of Utopia, comparable to Burgh's *Cessares* or Sharp's *Regulations for Sierra Leone*. For the Society of Friends, observed Clarkson, differed "more than even many foreigners do from their own countrymen." Strange dress, unusual forms of written and spoken interchange, the renunciation of music, drama, and the customary national holidays, new names for the very days of the week and months of the year, together with idiosyncratic devotional practices and the advocacy of innumerable reforms, combined to constitute the Friends an internal enclave which more than one contemporary—such as Paine and Jefferson<sup>12</sup>—paused to consider curiously as an alternative to received arrangements.

Clarkson's review of the peculiarities of Quakerism began with the affirmation of what George Fox had termed "that of God in every man," or to use Clarkson's language, "the Divinity [which] resides in him."<sup>13</sup> This inner light is quite distinct from reason. "Man must wait for its inspirations. Like the wind, it bloweth when it listeth."<sup>14</sup> Among the authorities which Clarkson said Friends adduced on behalf of this belief was the author most quoted by Price, Ralph Cudworth:

All the books and writings which we converse with [so Clarkson quoted Cudworth] they can but represent spiritual objects to our understandings, which yet we can never see in their own true figure, colour, and proportion, until we have a divine light within to irradiate and shine upon them. Though there be never such excellent truths concerning Christ and his Gospel set down

in words and letters, yet they will be but unknown characters to us, until we have a living Spirit within us, that can decypher them; until the same Spirit, by secret whispers in our hearts, do comment upon them. . . .<sup>15</sup>

This Quaker conception of the inner light grafted neatly onto the older Dissenting belief in active freedom of conscience. Thus Clarkson's prize essay on slavery in 1785 had presented as the gravest of all objections to "commerce of the human species" that the slave, because he was not free to follow his conscience, could not at the Resurrection be fairly judged: "For how can any man be justly called to an account for his actions, whose actions are not *at his own disposal*?"<sup>16</sup>

A second key doctrine shared by Friends and radical abolitionism was perfectibility. That process was conceived to be akin to biological growth, for the "light" was also often called a "seed" which—so Clarkson quoted Isaac Pennington—"consists not in words or notions of the mind, but is an inward thing, an inward spiritual substance in the heart, as real inwardly in its kind as other seeds are outwardly in their kind."<sup>17</sup>

Thirdly, Friends along with radical abolitionists affirmed that this regenerative process was available to all men; and that any man (or woman) might "minister" to a congregation. The subversive implications of this tenet for any kind of authority are apparent. Nor did Clarkson fail to see them. "No servility," he concluded his *Portraiture*,

is allowed either in word or gesture. Neither that which is written, nor that which is uttered, is to please the vanity of the persons addressed, or to imply services never intended to be performed. The knee is not to be bent to any one. It is strengthened, again, and made to shoot, by their own maxims. Is it possible to be in the habit of viewing all men as equal in privileges, and no one as superior to another but by his virtue, and not to feel a disposition that must support it?<sup>18</sup>

In his life of Penn, Clarkson sought to show how these spiritual principles of the Society of Friends might serve as models for society at large. Penn, Clarkson supposed, was a "Christian legislator," which meant among other things "adopt-



ing, as it relates to aliens or foreigners, principles of action pure in themselves, founded in justice, of the same tendency with those established for the governed."<sup>19</sup>

Like his panegyricist, Penn was said to have believed that governments "depend upon men rather than men upon governments. . . . Let men be good, and the Government cannot be bad."<sup>20</sup> Clarkson favorably contrasted this emphasis on administrative morality with the faith of his own day in constitution-tinkering. The transition from the outlook of a Madison to that of a Garrison or Thoreau was obviously under way.

Among the particular laws of Penn's Pennsylvania, Clarkson praised "prior to all others" that which protected liberty of conscience. Penn, Clarkson observed, made this law unchangeable. "Here then we see him again under the sublime light of a Christian Legislator, making Liberty of Conscience the grand corner-stone of his civil edifice. What a contrast does this afford to the conduct of those who have legislated in this department on [the basis of] the policy of the world!"<sup>21</sup>

Next Clarkson stressed Penn's penal legislation, which abolished capital punishment except for murder and made all prisons workshops. These ordinances, according to Clarkson, formed the germ of the exemplary prison codes enacted by Pennsylvania at the time of the American Revolution.<sup>22</sup>

Penn's treatment of noncitizens was similarly praised by Clarkson. Naturalization of foreigners was easy. Indian relations exhibited the absolute pacifism which Clarkson himself espoused and which was typically associated with early nineteenth-century abolitionism. Only in Pennsylvania, asserted Penn's admiring biographer, did Europeans plant a colony motivated not by avarice or ambition but by religious concern for the "barbarous nations."<sup>23</sup>

Needless to say, for Clarkson the crowning glory of Penn's "little paradise upon earth" was its treatment of Negroes. Clarkson said that Penn, powerless to prevent the introduction into the colony of this British export among others, nevertheless proposed a law "which should protect the Negroes from personal ill-treatment, by fair trials and limited punishments; and which at the same time, by regulating their marriages,

should improve their moral condition." The law failed; but the Minute recorded in the Monthly Meeting Book of Philadelphia at Penn's instance served as precedent for the decision of Philadelphia Friends in 1776 that no member of the Meeting might hold slaves, and for the Pennsylvania abolition law of 1780 which stimulated other Northern legislatures to do likewise.<sup>24</sup>

The plan for legislative melioration leading to gradual emancipation, which Clarkson ascribed to Penn, was that which he himself favored when in 1823 the British antislavery movement began its final push for abolition. The way to help the slaves, Clarkson argued, was first to procure for them "a new and better code of laws" and only then to proceed to the freedom "of which they have been unjustly deprived."<sup>25</sup> This was also the position of the leader of the Parliamentary agitation, Fowell Buxton, who moved on May 15, 1823, that slavery "ought to be gradually abolished throughout the British colonies, with as much expedition as may be found consistent with a due regard to the well-being of the parties concerned."<sup>26</sup> But the failure of the West Indian legislatures to enact significant reforms, together with the persecution of British missionaries to the slaves, doomed the gradualist strategy. The result was a family quarrel among Friends in which Buxton, whose wife and mother were Quakers, was challenged by a left wing which sought to pledge parliamentary candidates to "strenuously promote and vote for the immediate and total abolition of British colonial slavery." The left wing's principal organizer was Quaker Joseph Sturge, its first ideological spokesman the Leicester Friend, Elizabeth Heyrick.<sup>27</sup>

The impact on America of Heyrick's *Immediate, Not Gradual Abolition*, published in England in 1824, is suggested by the fact of its reprinting in Philadelphia in 1824, New York in 1825, Philadelphia in 1836 and 1837, and Boston (by Garrison's associate Isaac Knapp) in 1838. Her immediatism was not yet civil disobedience or insurrection, but drove toward them. When she said, "Why petition Parliament *at all*, to do that for us, which, were they ever so well disposed, we can do more speedily and more effectual [*sic*] for ourselves?"<sup>28</sup> Eliza-

both Heyrick meant only to recommend a boycott of the produce of slave labor. But others might give the words other meanings. So indeed might she. As she closed her pamphlet, news arrived of slave insurrections in Demerara and Kingston. The defeated rebels had been punished by hanging, a thousand lashes, or life sentences to a chain gang. What, the white Quakeress wrote five years before David Walker's *Appeal* called for slave insurrection, was the crime being punished? "It was insurrection. But in what cause did they become insurgents? Was it not in that cause, which, of all others, can best *excuse*, if it cannot *justify* insurrection?"<sup>29</sup> Anticipating Frederick Douglass' bitter words of 1848, Elizabeth Heyrick flayed the hypocrisy of those who support white revolutions but condemn black ones:

How preposterously partial and inconsistent are we in the extension of our sympathy, our approbation and our assistance toward the oppressed and miserable! We extol the resistance of the *Greeks*,—we deem it heroic and meritorious. We deem it an act of virtue,—of *Christian charity*, to supply *them* with *arms and ammunition*, to enable them to *persist in insurrection*. Possibly, in the longest list of munificent subscribers to these *Greek* insurgents, the names of some noble lords and honourable gentlemen may be found—who sanction and approve the visitation of WEST INDIAN SLAVE INSURGENTS, with the GIBBET, and the infliction of ONE THOUSAND LASHES!!"<sup>30</sup>

By the 1830s what might be called philo-Quakerism pervaded the intellectual community of the North, especially in New England. Stanley Elkins states that "our antislavery movement was for practical purposes devoid of intellectual nourishment."<sup>31</sup> It would be more accurate to say that abolitionists turned away from the traditional intellectual menu which featured the works of Locke, and sought sustenance elsewhere: in writers who did not make the sharp distinction between things sacred and things secular of Locke's *Letter Concerning Toleration*, who affirmed the absolute natural rights of individuals in society less ambiguously than did Locke's *Second Treatise*, and above all, who attributed to man's will and conscience more autonomy in determining his

actions than did Locke's *Essay Concerning Human Understanding*.

Thus William Ellery Channing, as quoted previously, traced his intellectual awakening to Price's *Review of Morals* which (he said) "saved me from Locke's philosophy." Thus, according to Frederick Hedge, the Transcendentalist discussion group drew together in 1836 on the basis of a common rejection of Locke's environmental psychology.<sup>32</sup> And thus Theodore Parker summed up his intellectual development in the comment that

the sensational system so ably presented by Locke in his masterly Essay, developed into various forms by Hobbes, Berkeley, Hume, Paley, and the French Materialists, and modified, but not much amended, by Reid and Stewart, gave little help. . . . I found most help in the works of Immanuel Kant.<sup>33</sup>

The Quaker concept of the inner light facilitated the rejection of Locke by offering a homegrown equivalent to the doctrines of Price, Kant, and Coleridge.

The idea of the inner light was closely connected with the idea of immediate emancipation, for to some reformers (David Brion Davis remarks) immediate emancipation "seemed mainly to imply a direct, intuitive consciousness of the sinfulness of slavery, and a sincere personal commitment to work for its abolition."<sup>34</sup> Abolitionists appealed away from texts, whether of the Bible or the Constitution, to the testimony of the heart. As early as the Park Street Church address of July 4, 1829, Garrison declared: "On a question of shame and honor—liberty and oppression—reasoning is sometimes useless, and worse. I feel the decision in my pulse: if it throws no light upon the brain, it kindles a fire at the heart."<sup>35</sup> "As a nation," Angelina Grimké wrote in the next decade, "we have too long educated the *mind*, and left the *heart* a moral waste."<sup>36</sup> It was in this mood that, during the drafting of the Declaration of Sentiments of the American Anti-Slavery Society in 1833, Garrison opposed an amendment which would add Biblical citations to back up one of the statements he had drafted. "It makes the rights of man depend upon a text," he said. "Now, it matters not what the Bible may say, so far as these rights

are concerned. They never originated in any parchment, are not dependent upon any parchment, but are in the nature of man himself, written upon the human faculties and powers by the finger of God."<sup>37</sup> A generation later, in the year of Lincoln's election, he continued to maintain that abolitionists did not derive "the rights of man from any book, but from his own nature."<sup>38</sup>

These affirmations of the wisdom of untutored human nature were consistent with the outlook of Dissenters like Priestley who had propounded the "universal maxim, that the more liberty is given to every thing which is in a state of growth, the more perfect it will become."<sup>39</sup> Conversely, such affirmations were inconsistent with the *Weltanschauung* of those who, following Jonathan Edwards, thought that man by nature was totally depraved, or who, with Machiavelli, believed that in making a new government all men should be considered knaves. Persons holding the latter opinions were unlikely to believe that human beings should set their own consciences against law and government: were unlikely, in other words, to develop a theory of civil disobedience.

The point emerges clearly in one of Garrison's first expositions of civil disobedience, in 1835. In the *Liberator* for March 7 of that year he declared, anticipating the provisions of the Fugitive Slave Law of 1850, that if "laws and constituted authorities" required him to assist in the return of fugitive slaves, "*then I will not obey them.*"<sup>40</sup> In an address on July 4 Garrison explained himself more fully. God's law, he said, is superior to human law. The question of right or wrong cannot be reduced to the question of lawful or unlawful. Look at the atrocities committed legally: widows burned in India, suppression of the press in Russia, the hanging of men for the slightest offense in England. Quakers and "witches" had been legally executed in the American colonies. To say that the test of right is human law is "atheism and treason against the government of God." Law varied from time to place. Man was not bound to obey national law if it conflicted with allegiance to God.<sup>41</sup>

But who, so Garrison paraphrased Locke's famous question

in the *Second Treatise*, is to judge whether human and divine law are in conflict? His answer—the individual conscience is to judge—expressed his Quakerly confidence in the uneducated common man.

## II

Quakerism provided American abolitionists not only with Elizabeth Heyrick's program of "immediate emancipation," but with a systematic discussion of civil disobedience in the works of Jonathan Dymond. Dymond was a Quaker linen draper in southwestern England whose *Essays on the Principles of Morality* were published in America in 1834, six years after his death. Dymond and Algernon Sidney were Garrison's two favorite prose authors, according to Garrison's children; Garrison's sometime opponent James G. Birney also admired Dymond, citing his statement that even "*savages*, to whom the gospel has never been preached" observe the Golden Rule; Charles Sumner, in his speech "War System of the Commonwealth of Nations" in 1849, referred familiarly to Dymond as an exemplar of absolute pacifism.<sup>42</sup>

Dymond's thinking on civil disobedience grew organically from earlier discussions of the theme by the Dissenting radical Granville Sharp and by William Godwin, son and grandson of Dissenting ministers and graduate of a Dissenting academy. All three men went beyond the concept of Christian disobedience characteristic of Dissenters. That traditional conception envisioned quiet resistance to the "offenses which dishonor our country, by declaring our sentiments about them, on all proper occasions, with modesty and humility; by never complying in any instance contrary to our sentiments; and giving, as far as possible, a publick testimony in favour of universal Liberty and the simplicity of the Gospel."<sup>43</sup> The recommended response to bad law was

to make a remonstrance to the legislature; and if that be not practicable, or be not heard, still, if the complaints be general and loud, a wise prince and ministry will pay regard to them; or they will, at length, be weary of enforcing a penal law which is generally abhorred and disregarded, when they see the people

will run the risk of the punishment, if it cannot be evaded, rather than quietly submit to the injunction. . . .<sup>44</sup>

Good enough for quiet times, this model was abandoned during the American and French revolutions.

For Sharp, we have seen, the laws of God, nature, and England were all one. That had been the basis of Sharp's argument when, in the *Sommersett* decision of 1772, he extracted from England's leading jurist the judgment that slavery was illegal. To the end of his life in 1813 Sharp quoted Scripture and the law of England interchangeably. The Eleventh Psalm, he wrote in 1797, contains

exactly the same first principles of right which our ancient English Lawyers very properly deemed "the two first foundations of English Law," viz. 1st, Reason, or the Laws of Natural Right, written, as it were, on the heart of man by his Creator. . . . And, secondly, the revealed laws of God, written in the Holy Scriptures. . . .<sup>45</sup>

In 1807, the year of the abolition of the slave trade in both England and America, Sharp responded to a petition of West Indian planters and merchants which complained that such a bill would "violate the system of colonial laws relative to property," by quoting (once again) the sixteenth-century treatise *Doctor and Student*: "Statutes exist not against REASON, nor against the DIVINE LAW."<sup>46</sup>

Sharp also more than once advised that such illegal laws be broken. In a pamphlet on dueling, published in England in 1773 and in Philadelphia five years later, he argued that even "Gentlemen of the Army" are "Men, as well as Soldiers," and so must "maintain the Natural Privilege of Men, (viz. that of thinking for themselves, and acting agreeable to the Dictates of their own Conscience, as members of the Community)." In words anticipating the Nuremburg Judgments, Sharp continued:

For the Law will not excuse an unlawful Act by a Soldier, even though he commits it by the express Command of the highest military Authority in the Kingdom. . . . Even in publick military Service, or warlike Expeditions by National authority, the law manifestly requires the Soldier to think for himself; and to

consider, before he acts in any war, whether the same be just; for, if it be otherwise, the Common Law of this Kingdom will impute to him the Guilt of Murder.

And though the Law does not actually punish such general Crimes, as may unfortunately have obtained, at any time, the Sanction of Government, yet the time will certainly come, when all such temporizing military Murderers must be responsible for the innocent blood that is shed in an unjust War, if they have rendered themselves accessaries to it by an implicit, and, therefore, criminal obedience to the promoters of it. "Item fit Homocidium in Bello," (says the learned Bracton) "et tunc videndum utrum Bellum fit justum vel injustum. Si autem injustum, tenebitur occisor: si autem justum, sicut pro defensione patriae, non tenebitur. . . ." [Roughly: Murder also occurs in war, and then it is to be seen whether the war is just or unjust. If unjust, then he who kills will be understood as a murderer; if just, as in the case of the defense of one's fatherland, he will not.]

"Men of true honor, therefore," Sharp concluded,

at the same time that they are sensible of their duty as Soldiers and Subjects to their King, must be mindful that they are subject also to the empire of reason, and are bound thereby, in common with all mankind, to maintain the dignity and natural freedom of Human Nature: and those Soldiers, who, in addition to their natural reason, have a true sense of Religion, will not only be mindful, that they are Soldiers and Subjects to an earthly King, but that they are also Soldiers and Subjects to the King of Kings; whose Laws and precepts they will, on all occasions, prefer to every other command; and will obey the same with such a steady courage, as may be equal to every adversity, and undeserved suffering that threatens them.<sup>47</sup>

Logically enough, Sharp also contended that the only army appropriate to a free society was a militia made up of citizens in rotation, which elected its officers. A standing army inevitably led to the despicable assertion that "a soldier has no right to judge for himself," indeed to make soldiers "soldiers," that is, mercenaries.<sup>48</sup>

In his pamphlet *A Declaration of the People's Natural Right to a Share in the Legislature*, Sharp noted that even a reviewer in the Dissenting journal *Monthly Review* had taken exception to what the reviewer called the "strange principle" that a soldier might refuse an officer's commands. Sharp replied that



this principle would not seem strange to anyone "who admits or believes the divine authority of the holy Scriptures." It was necessary, Sharp argued, to go beyond such authors as Pufendorf who gave no other basis for obedience to law than the power in the hands of the lawgiver. Even the laws of God are "tendered to us under the equitable form of a reciprocal Covenant"; how much the more ought this to hold true of the laws of men. Majority rule is binding on the minority, Sharp declared—and here he went beyond Price, anticipating Thoreau—"only so far as the imposed Obligation is consistent with their superior Covenant and duty to God, which is always to be implied." To say that "every thing whatsoever, that is ordained by Parliament, must be Law, whether it be good or evil, right or wrong [is] a most pernicious and baneful Doctrine . . . a kind of Popery in Politics, (if I may use such an expression)." <sup>40</sup> Here, clearly, Sharp had by 1774 taken precisely the same ground which Garrison was to assume in expounding civil disobedience in 1835.

In 1793 Sharp responded to the passage of the first fugitive slave law by writing to American abolitionists and urging them to break it. He observed that the two bases of English law, reason and Scripture, appeared to him to be both from God, since reason was nothing but that knowledge of good and evil which our first parents acquired at the fall. Citing Fortescue and Fleta, Sharp contended that slavery was "contrary to nature" because liberty was the gift of God, "wherefore when stolen by man, it always earnestly longs to return." <sup>50</sup>

William Godwin was a second important link between eighteenth-century Anglo-American radicalism and the civil disobedience of the radical abolitionists. The basis of Godwin's system consisted of beliefs "common to many branches of Dissenting thought." For him as for other radical Dissenters, liberty of conscience "secularized and transferred to the civil sphere" was the theoretical point of departure. <sup>51</sup> His questions were also the questions of Priestley and Price: "How may the peculiar and independent operation of each individual in the social state most effectually be preserved? How may the security each man ought to possess, as to his life, and the

employment of his faculties according to the dictates of his own understanding, be most certainly defended from invasion?"<sup>52</sup>

But Godwin could not accept the characteristic Dissenting view that individual action was autonomously determined except when obstructed by institutions. Confessing his debt to the writing of Holbach and Helvétius on "the nature of man," Godwin was determined to come to terms with the insights of the materialists as to the formative effect of institutions on ideas. From Sidney to Paine, wrote Godwin, English political philosophers had failed to appreciate how society "insinuates itself into our personal dispositions, and insensibly communicates its own spirit to our private transactions."<sup>53</sup>

Godwin asserted, in effect, that what Locke had said about the influence of experience on the mind was true, but that what Price had said about the autonomous role of understanding was true also:

. . . I shall attempt to prove two things; first, that the actions and dispositions of mankind are the offspring of circumstances and events, and not of any original determination that they bring into the world; and, secondly, that the great stream of our voluntary actions essentially depends, not upon the direct and immediate impulses of sense, but upon the decisions of the understanding.<sup>54</sup>

Man is profoundly influenced by his social environment but is not the helpless victim of climate, or size of population, or luxury, or monarchy, or war.

In the name, then, of that limited freedom which men retain despite the effect of their environment, Godwin went on frontally to attack the traditional distinction between free thought and socially regulated action:

It is commonly said, "that positive institutions ought to leave me free in matters of conscience, but may properly interfere with my conduct in civil concerns." But . . . what sort of moralist must he be, whose conscience is silent as to what passes in his intercourse with other men?

The distinction between thought and action, Godwin continued, presupposed that "it is of great consequence whether

I bow to the east or the west; whether I call the object of my worship Jehovah or Alla; whether I pay a priest in a surplice or a black coat," but not of great consequence whether, for example, I am a free citizen or a slave. "In reality, by as many instances as I act contrary to the unbiassed dictate of my own judgment, by so much I abdicate the most valuable part of the character of man."<sup>55</sup>

Godwin concluded that established authority has no more right to regulate an individual's actions than to regulate his thoughts. "This immediately follows from the observations of Rousseau": for if a whole people is unable to delegate its will, "neither can any individual delegate his authority." Moreover, Godwin continued, just as one generation cannot bind the next, so an individual should not promise how duty will appear to him at some future point in time.<sup>56</sup>

Obedience, therefore, is a question of expediency. The decision to obey or disobey a law is a matter-of-fact one, involving a calculation of the alternative consequences (not only to oneself but to society as a whole) likely to follow from alternative actions. The act of obedience thus motivated is more likely to preserve the citizen's spiritual independence than a theory which supposes that a conforming action implies total inward consent. As Godwin put it: "Obey; this may be right; but beware of reverence."<sup>57</sup>

Proceeding on the assumption that the internal function of government is vastly more important than the external function associated with war, Godwin demolished the former, too, by a sustained demonstration that punishment—the main internal business of government—is incompatible with reliance on conscience. This of course followed from his refusal to separate the domain of conscience from the domain of overt acts. Perhaps the most common effect of punishment, Godwin argued, is "to alienate the mind of the sufferer, from the individual that punishes, and from the sentiments he entertains."<sup>58</sup> Even if punishment changes a man's behavior, even if it changes his opinions, it "leaves him a slave, devoted to an exclusive self-interest, and actuated by fear, the meanest of the selfish

passions." Punishment neither reforms the individual offender, deters his potential imitator, nor improves society as a whole. The last legitimate function of government is seen to be essentially harmful. It is also unnecessary. In a society without government, Godwin argued, local juries would decide each case on its own merits without reference to general laws and without reliance on coercive sanctions.

Dymond referred repeatedly to Godwin and accepted much of his reasoning. But Dymond also attacked the utilitarianism both of Godwin and of William Paley, whose *Principles of Moral and Political Philosophy*, first published in 1785, was the standard early nineteenth-century text on the subject both in England and (at Emerson's Harvard, for instance) in the United States.<sup>59</sup> What Paley had done was to elaborate the hedonistic ethics implicit in Locke's environmental psychology. Following the lead of Coleridge, radical abolitionists rejected Paley along with Locke. Thus in a key early paragraph of *Civil Disobedience*, Thoreau took Paley on explicitly, revealing in the process that—all Transcendentalist protestation to the contrary—his own ethic was in the last analysis Christian. "Paley," Thoreau wrote,

a common authority with many on moral questions, in his chapter on "The Duty of Submission to Civil Government," resolves all civil obligation into expediency; and he proceeds to say that "so long as the interest of the whole society requires it, that is, so long as the established government cannot be resisted or changed without public inconveniency, it is the will of God . . . that the established government be obeyed—and no longer. This principle being admitted, the justice of every particular case of resistance is reduced to a computation of the quantity of the danger and grievance on the one side, and of the probability and expense of redressing it on the other." Of this, he says, every man shall judge for himself. But Paley appears never to have contemplated those cases to which the rule of expediency does not apply, in which a people, as well as an individual, must do justice, cost what it may. If [Thoreau continued] I have unjustly wrested a plank from a drowning man, I must restore it to him though I drown myself. This, according to Paley, would be inconvenient. But he that would save his life, in such a case, shall lose it.<sup>60</sup>

Paley's great failing, as the abolitionists saw it, was what Lincoln in his 1854 Peoria speech termed the insistence "that there is no right principle of action but self-interest."<sup>61</sup>

Dymond criticized Paley along similar lines. First he addressed himself to Paley's denial of an intuitive, inborn capacity to tell right from wrong. Paley, Dymond quoted him, believed "either that there exists no such instincts as compose what is called the moral sense, or that they are not now to be distinguished from prejudices and habits." In opposition Dymond invoked, among others, Price, Cudworth, Rousseau, and Benjamin Rush. He said that all these authorities agreed that there is "some principle or power existent in the human mind" which "possesses wisdom to direct us aright." Further,

to say that individuals express their notions of this principle or power by various phraseology, that they attribute to it different degrees of superhuman intelligence, or that they refer for its origin to contradictory causes, does not affect the general argument.<sup>62</sup>

With this existential definition of the inner light as baseline, Dymond went on to question Paley's injunction to obey all law. Paley laid it down, Dymond observed, that "so long as we keep within the design and intention of a law, that law will justify us, *in foro conscientiae* as *in foro humano*, whatever be the equity or expediency of the law itself."<sup>63</sup> But for Dymond, a law permitting slavery was invalid.<sup>64</sup> Although he rejected Godwin's argument "that unless the particular law is enforced by morality, it does not become obligatory by the command of the state [that is, that the burden of proof should be on the state to show why a law should be obeyed, rather than on the objector to show why it should not]," Dymond concurred with Godwin that the authority of the state was, in the last analysis, subordinate to a "higher rule." Said Dymond: "That rule, with him [Godwin], is 'justice,'—with us it is the law of God; but the reasoning is the same. . . ."<sup>65</sup>

Dymond even justified nonviolent revolution. The French Revolution had been an "atrocious course of wickedness." Still, it "was *occasioned* by the abuses of the old government," and